RECORDS

VOL. 60

METROPOLITAN
DISTRICT
COMMISSION

APR. 4, 1996
TO
SEPT. 26, 1996

Record of the Three Thousand Seven Hundred and Sixty Seventh (3767th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, April 4, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Settles and Wu.

The Records of the Commission Meeting held on March 7, 1996 were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Higgott, March 5, requesting approval and execution of an Amendment, as requested by the Consultant, for an extension of time from April 30, 1996 to December 31, 1997, on Consultant Contract No. P80-0844-D4A, with SEA Consultants, Inc., for Beaver Brook Flood Mitigation Project - Reach II and III, due to delays in bidding the project because of capital spending constraints.
(At no increase in Contract cost).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated April 4, 1996 to Contract No. P80-0844-D4A, with SEA Consultants, Inc., which was signed by the Commissioner and three Associate Commissioners.

2. Report of Messrs. Faucher and DiPietro, March 22, recommending approval and execution of Contract No. P94-1746-X2A, with Clean Harbors Environmental Services, Inc., for Disposal of Hazardous Waste at Redman Farm Barn, Canton, at a cost of $13,605.00.
Time for Performance - two months from notice to proceed.
Account No. 2490-8910.
Mr. Jewett, noting that the Contract did not arrive in time for execution, asked that the Commission authorize Commissioner Balfour to execute the Contract on its behalf.
The Commission V O T E D: Approved.
Associate Commissioner Elkort did not participate in discussion nor vote on this matter.

3. Report of Messrs. Faucher and DiPietro, March 25, recommending the following on Contract No. P94-1745-X1A, with Clean Harbors Environmental Services, Inc., for Inventory of Hazardous Waste, Redman Farm Barn, Canton -
(a) That work be accepted as completed as of January 31, 1996.
(b) That Invoice No. 1 (Final), in the amount of $1,100.00, be approved for payment.
(Basis of Award - Upset Limit of $5,000.00)
(Amount to Date - $1,100.00)
(Contract Performance Rating - 8.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Clean Harbors Environmental Services, Inc., Consultant under Contract No. P94-1745-X1A, be and hereby is accepted as completed as of January 31, 1996.

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The Commission further V O T E D: to approve Invoice No. 1 (Final), in the amount of $1,100.00, for payment.
Associate Commissioner Elkort did not participate in discussion nor vote on this matter.

1. Report of Messrs. Faucher and Jackson, March 20, on bids for Installation of New Benches, Boston Harbor Beaches, Contract No. P94-1719-C1A.
Account No. 2440-8956.
(Messrs. Faucher and Jackson recommend acceptance of the lowest qualified bid, that of Forte Landscape and Construction Co., of $16,485.00).
Associate Commissioner Elkort questioned how many benches would be installed under terms of the Contract. Mr. DiRamio stated that fifteen metal and wood type benches would be installed along with a concrete pad for each of the benches. He then noted that the Engineer's estimate for Contract was $20,000.00.
The Commission V O T E D: to accept the lowest qualified bid, that of Forte Landscape and Construction Co., of $16,485.00.

2. Report of Messrs. Faucher and Sacco, March 30, recommending ratification of the action of Acting Director Faucher, with concurrence of Commissioner Balfour, resulting in the rejection of the two bids received and the readvertising of Contract No. P95-1787-C3A, for Pool Filtration System - Hyde Park (Olsen Pool), due to the following -
Allied Weatherproofing submitted an incomplete bid in the amount of $253,607.50. Scott Swimming Pools, Inc., submitted a bid of $358,172.50, which was 43% above the Engineer's estimate.
Associate Commissioner Carr expressed his concern regarding the action of the Division in moving forward in rejecting the bids and readvertising the project without first obtaining a consensus of the entire Commission.
He asked that in the future, when time constraints create a problem, that the Associate Commissioners be polled by telephone to seek their verbal approval which can be ratified at the next scheduled Commission meeting.
The Commission V O T E D: to ratify the action of Acting Director Faucher, with concurrence of Commissioner Balfour, which resulted in the rejection of the two bids received and the readvertising of Contract No. P95-1787-C3A, for Pool Filtration System - Hyde Park (Olsen Pool), as recommended by Messrs. Faucher and Sacco in their report of March 30, 1996.

3. Report of Messrs. Faucher and Machado, March 21, recommending approval of a revision in quantity on Item No. 043-010 - Galvanized Chain Link Fence - Eight Feet High, at a cost of $19,500.00, on Contract No. P94-1734-C1A, with Citiworks, Inc., for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District.
(At no increase in Contract cost).
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher and Haider, March 7, recommending that work be accepted as completed as of August 31, 1995, on Contract

No. P93-1687-M2A, with P. H. Mechanical Corporation, for Servicing of Heating, Ventilation and Air Conditioning Systems at Various MDC Facilities.

(Basis of Award - $124,050.00)
(Total to Date - $299,976.23)
(Contract Performance Rating - 3.25)
(EEO Compliance - 3.25)

The Commission V O T E D: that the work of P. H. Mechanical Corporation, Contractor under Contract No. P93-1687-M2A, be and hereby is accepted as completed as of August 31, 1995.

1. Report of Messrs. Faucher and Haider, March 11, recommending the following on Contract No. P93-1701-C1A, with Allstate Drilling and Pump Service, Inc., d/b/a E. Ryder Well Drilling, for Well Installation at Camp Nihan, Saugus -

(a) That work be accepted as completed as of September 15, 1995.
(b) That reserve, in the amount of $1,660.82, be approved for payment.

(Basis of Award - $46,687.09)
(Amount to Date - $33,216.42)
(Contract Performance Rating - 4.16)
(EEO Compliance - 1.50)

Associate Commissioner Wu requested that in the future all memos submitted to the Commission for approval of final acceptance, when applicable, include EEO/AA Compliance Evaluation Ratings similar to Contract Performance Ratings.
He noted that he realizes this information is included in the back-up information provided by the EEO/AA Office, but he would also like to see it incorporated into the memos.
The Commission V O T E D: that the work of Allstate Drilling and Pump Service, Inc., d/b/a E. Ryder Well Drilling, Contractor under Contract No. P93-1701-C1A, be and hereby is accepted as completed as of September 15, 1995.
The Commission further V O T E D: to approve release of reserve, in the amount of $1,660.82, for payment.

2. Report of Messrs. Faucher and Sacco, March 20, on bids for New Traffic Gates Beades Drawbridge, Dorchester, Contract No. P92-1646-C3A.
(Messrs. Faucher and Sacco recommend acceptance of the only bid received, that of W. H. Hughes, Inc., of $65,000.00).
The Commission V O T E D: to accept the only bid received, that of W. H. Hughes, Inc., of $65,000.00.

Action was taken upon the following matter relating to the Watershed Management Division:

3. Report of Mr. Pula, March 29, submitting for approval Quabbin Boat Fishing and Fee Schedule for the 1996 fishing season at Quabbin Reservoir.
The Commission V O T E D: Held Over.

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

1. Report of Mr. Broderick, February 26, requesting approval and authorization for Commissioner Balfour to execute on behalf of the Commission a Memorandum of Agreement with Marina Bay on Boston Harbor, for berthing space and utilities for the Lightship Nantucket and further requesting authorization to pay an outstanding balance owed in excess of $5,500.00 to Marina Bay for electrical service to the Lightship Nantucket.
The Commission V O T E D: Held Over.

Action was taken upon the following matter relating to the Recreational Facilities and Programs Division:

2. Report of Mr. Doak, March 29, submitting for approval and execution, Amendment to Contract with Michael F. Wortis for Professional Golf Services at Leo J. Martin Golf Course, Weston, which sets the 1995 compensation to the Commission at $22,000.00 - payable upon Commission vote.
Associate Commissioner Carr said that the request before the Commission pertained to the 1995 golf season and asked about a similar contract amendment for 1996.
Mr. Jewett explained that the Financial report from Mr. Wortis, which was due on or before the last Monday in February, 1996, reflecting financial data for the 1995 golf season, has yet to be received by the Commission. This financial document, when received, is compared to the number of rounds played during 1995 and then the compensation is set for the year.
He then noted that a Certified letter, Return Receipt Requested, was sent to Mr. Wortis today demanding that he submit his 1995 Financial report immediately. The failure to submit the report immediately, he stated, will be viewed as a breach of the Contract.
Associate Commissioner Carr pointed out that as of today, Mr. Wortis is not delinquent in his payment of the $22,000.00, because the payment is not due until the Commission approves the Amendment under Section VI - Compensation of the contract. However, he noted, Mr. Wortis is delinquent in not filing his financial statement in a timely manner.
Associate Commissioner Wu questioned if Mr. Jewett foresees an issue with Mr. Wortis not paying the $22,000.00. Mr. Jewett stated that he was not aware of any such issue, although he was delinquent with his 1993-1994 payments when they became due.
Associate Commissioner Wu asked if we have Mr. Wortis's financial statement audited when it is received.
Mr. Jewett stated that the Commission does not have the financial reports audited, but we rely on the Golf Professional's good faith in reporting his financial numbers.
Following a lengthy discussion, Associate Commissioner Wu moved that the Commission approve and execute the Contract Amendment with Michael F. Wortis for Professional Golf Services at Leo J. Martin Golf Course, Weston, which sets the 1995 compensation to the Commission at $22,00.00, payable immediately and, in addition, inform Mr. Wortis that we expect immediate payment for the 1996 season.
Mr. Wortis shall also be informed that the Commission may engage the services of an auditor to audit last year's and

perhaps this year's Financial Statement when submitted.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated April 4, 1996, to Contract with Michael F. Wortis, which was signed by the Commissioner and four Associate Commissioners.

Action was taken upon the following Various Matter:

1. Report of Mr. Jewett, April 1, on behalf of the Consultant Selection Committee, recommending approval and authorization for Commissioner Balfour to execute, on behalf of the Commission, three Contracts under Project No. WM94-076-S1A, S2A and S3A, for Legal Analysis and Planning Services which was approved at the Commission Meeting of October 27, 1994, at a cost not-to-exceed $80,000.00 -

CONTRACT NO.	NAME	VALUE	ACREAGE
WM94-076-S1A	The Berkshire Design Group Inc.	$21,900.00	155±
WM94-076-S2A	The BSC Group, Inc.	$17,300.00	301±
WM94-076-S3A	Daylor Consulting Group	$24,080.00	350±
	Total =	$63,280.00	

Time for Performance - two to three months.
Account No. 2420-1400.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization for Commissioner Balfour to execute, on behalf of the Commission, three Contracts under Project No. WM94-076-S1A, S2A and S3A, for Legal Analysis and Planning Services, as recommended by Mr. Jewett in his report of April 1, 1996.

The following matters were placed on the agenda for the information of the Commission:

2. The following schedules were approved for payment by the Commissioner during the period from January 1, 1996 to January 31, 1996.

Expenditures $3,100,689.01

3. The following schedules were approved for payment by the Commissioner during the period from February 1, 1996 to February 29, 1996.

Expenditures $2,817,036.67

Adjourned at 10:20 a.m., to meet on Thursday, April 11, 1996, at 9:00 a.m.

William J. Cushwa
Secretary

Record of the Three Thousand Seven Hundred and Sixty Eighth (3768th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, April 11, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr and Elkort.

The Records of the Commission Meeting held on March 28, 1996 were read and approved.

The Commissioner and Associate Commissioners unanimously adopted the following Resolution:

1. RESOLVED: That the Metropolitan District Commission, assembled in its Meeting held on April 11, 1996, does hereby express its deep and sincere appreciation to the Officers and Members of Community Boating both past and present, who for fifty years have provided a public sailing program for adults and children of all races and creeds who otherwise would not have the opportunity to learn the sport of sailing, that the Commissioner and Associate Commissioners, constituting said Metropolitan District Commission, do hereby, extend to Community Boating many more years of success with its outstanding sailing program for all residents of the area; that this Resolution be spread upon the records of this Meeting; and that the Secretary prepare and forward a suitably inscribed copy thereof to Community Boating.

Action was taken upon the following matter relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and Sacco, April 5, recommending rejection of two bids received and readvertising Contract No. P96-1842-C1A, for Critical Repairs to MDC Swimming Pools and Service Buildings, due to the following - A & M Roofing and Sheet Metal Co., Inc., submitted a bid which was greater than 35% above the Engineer's estimate ($679,761.50 incomplete and corrected). Allied Weatherproofing Co., Inc., submitted a bid which was greater than 35% above the Engineer's estimate.
The Commission V O T E D: to reject the two bids received and readvertise Contract No. P96-1842-C1A, for Critical Repairs to MDC Swimming Pools and Service Buildings, as recommended by Messrs. Faucher and Sacco in their report of April 5, 1996.

Action was taken upon the following matters relating to the Watershed Management Division:

3. Report of Mr. Pula, March 29, submitting for approval Quabbin Boat Fishing and Fee Schedule for the 1996 fishing season at Quabbin Reservoir.
Associate Commissioner Carr noted that the Commission is awaiting further information concerning the proposed changes in the rates for Section F. PARKING/LAUNCHING FEES. Therefore, he moved to have this section of the request Held Over pending receipt of the additional information.
The Commission V O T E D: to Hold Over Section F. PARKING/ LAUNCHING FEES.

The Commission further V O T E D: to approve the Quabbin Boat Fishing and Fee Schedule for the 1996 fishing season at Quabbin Reservoir, as follows -

A. FISHING SEASON DATES

The season, weather permitting, for boat and shore fishing will be as follows:

- Boat Launch Area #1 (Gate 8), Boat Launch Area #2 (Gate 31), and Boat Launch Area #3 (Gate 43) will open on Saturday, April 13 and close on Saturday, October 12, 1995.

B. DAYS OPEN

All three Boat Launch Areas will be open seven days per week and a limited number of boats and motors will be available for rental at each area.

C. OPENING HOURS

-April 13-14: 5:30 A.M. (due to large crowds on first weekend)
-April 15 - October 12: 6:00 A.M.

D. CLOSING HOURS - BOATS OFF WATER

-April 13 - May 5: 6:00 P.M.
-May 6 - September 1: 7:00 P.M.
-September 2 - October 12: 6:30 P.M.

E. BOAT RENTAL RATES

Rentals	Minimum	Maximum (8+ hrs.)	Deposit
Boat	$ 2.00	$ 7.00	$ 7.00
Motor (inc. 3 gallons gas)	$ 8.00	$20.00	$20.00
Total	$10.00	$27.00	$27.00

Senior Citizens (65 or older) Monday through Friday except Holidays.
Handicapped Citizens pay half price at all times.

Rentals	Minimum	Maximum (8+hrs.)	Deposit
Boat	$ 1.00	$ 3.50	$ 3.50
Motor (inc. 3 gallons gas)	$ 4.00	$10.00	$10.00
Total	$ 5.00	$13.50	$13.50.

1. Report of Messrs. McGinn and Kane, March 27, recommending the following on Contract No. WM94-007-C1A, with WES Construction Corp., for the Construction of Expedient Repairs to Goodnough Dike, Quabbin Reservoir, Ware, Massachusetts -

(a) That work be accepted as completed as of October 30, 1995.
(b) That Estimate No. 7 (Final), in the amount of $2,099.50, be approved for payment.
(c) That reserve, in the amount of $58,615.90, be approved for payment.

(Basis of Award - $1,084,465.00)
(Amount to Date - $1,172,318.07)
(Contract Performance Rating - 4.50)
(EEO Compliance - 4.60)

The Commission V O T E D: that the work of WES Construction Corp., Contractor under Contract No. WM94-007-C1A, be and hereby is accepted as completed as of October 30, 1995.
The Commission further V O T E D: to approve Estimate No. 7 (Final), in the amount of $2,099.50, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $58,615.90, for payment.

Action was taken upon the following matters relating to the Reservations and Historic Sites Division:

1. Report of Mr. Broderick, February 26, requesting approval and authorization for Commissioner Balfour to execute on behalf of the Commission a Memorandum of Agreement with Marina Bay on Boston Harbor, for berthing space and utilities for the Lightship Nantucket and further requesting authorization to pay an outstanding balance owed in excess of $5,500.00 to Marina Bay for electrical service to the Lightship Nantucket.
The Commission V O T E D: Delete from Agenda.

2. Revised report of Mr. Broderick, April 1, requesting approval and authorization for Commissioner Balfour to execute on behalf of the Commission a Memorandum of Agreement with Marina Bay, on Boston Harbor, for berthing space and utilities for the Lightship Nantucket and further requesting authorization to pay an outstanding balance in the amount of $5,110.00, for the period from February - March, 1995 to March 27, 1996. The Memorandum of Agreement will also allow the MDC to pay Marina Bay, on Boston Harbor, for continued monthly electrical service to the ship. Account No. 2440-0010 for the outstanding balance and current charges.
Associate Commissioner Carr noting that an error was made in transposing the outstanding balance, asked that the balance to paid Marina Bay, on Boston Harbor be corrected to read in a sum not-to-exceed $5,110.93.
The Commission V O T E D: to approve a Memorandum of Agreement with Marina Bay, on Boston Harbor, for berthing space and utilities for the Lightship Nantucket.
The Commission further V O T E D: authorization for Commissioner Balfour to execute on behalf of the Commission the Memorandum of Agreement with Marina Bay, on Boston Harbor.
The Commission further V O T E D: authorization to pay to Marina Bay, on Boston Harbor, an outstanding balance in the amount of $5,110.93, for the period from February - March, 1995 to March 27, 1996, as requested by Mr. Broderick in his revised report of April 1, 1996.

Action was taken upon the following matters relating to the Office of Real Property:

1. Report of Mr. Gray, April 5, recommending that the Commission adopt an Order of Taking for acquisition of approximately 19 acres of land owned by Norman Goodale, located in the Town of West Boylston, Massachusetts, and to approve an award of damages in the amount of $180,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 19 acres of land owned by Norman Goodale, located in the Town of West Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, April 11, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of West Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying in the westerly part of the abovesaid town, on the northwesterly side of the road known as Raymond Huntington Highway - Interstate 190, more particularly bounded and described as follows:

Beginning at the southwesterly corner of the parcel herein being described, at a concrete bound on the northwesterly layout line of Raymond Huntington Highway - Interstate 190, at land, formerly of William H. Mason, now or formerly, of Raymond J. & Janet B. Sansoucy;

Thence N. 06° 51′ 34" E., 489.50 feet to another concrete bound, at land, formerly of Henry Pierce, now or formerly, of Sansoucy;

Thence S. 81° 08′ 54" E., 89.76 feet to a drill hole;

Thence N. 11° 17′ 20" E., 382.14 feet to a point;

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Thence N. 00° 02′ 20" E., 350.46 feet to a railroad spike in a tree root;

Thence N. 07° 42′ 40" E., 313.50 feet to a point;

Thence N. 29° 57′ 40" W., 101.64 feet to a point at land, formerly of D. W. Allen, now or formerly, of Barbara Anderson, the last six courses being by land, now or formerly, of the above named Sansoucy;

Thence S. 81° 42′ 40" E., 844.80 feet to the remains of a stake and stones, at a corner;

Thence S. 08° E., 665 feet, more or less, to a point on the northwesterly line of Raymond Huntington Highway - Interstate 190, the last two courses being by land, now or formerly, of Barbara Anderson;

Thence S. 57° 53′ 00" W., by the highway layout, 258 feet, more or less, to a point of curvature;

Thence Southwesterly by the highway layout and a curve to the right with a radius of 5190.00 feet, an arc distance of 1,140 feet, more or less, to the first mentioned concrete bound, being the point and place of beginning.

Containing 19.00 acres, more or less, by estimate.

There is no known record plan of the above described property. The description above is based upon prior deed description and the following record plans:

1) Land Court Plan 35272A, Sheet 2 of 2, registered with Worcester District Registry of Deeds, Land Court Section, on August 19, 1983 with Certificate No. 10352, in Registration Book 52.

2) Commonwealth of Massachusetts, Department of Public Works, West Boylston, 1978 Layout (Interstate -190) Sheet 3 of 12 Sheets, Layout No. 6305, recorded with Worcester District Registry of Deeds as Plan 50 in Plan Book 456, sheet 3 of 12.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Raymond Huntington Highway - Interstate 190, which may be held by the supposed owner, as a result of his ownership of the above described property, and being the remaining northerly portion of the same premises described in a deed from Lena F. Goodale, as Trustee under the Will of Mason W. Goodale, to Norman Goodale, dated December 21, 1961 and recorded with Worcester District Registry of Deeds at Book 4252, Page 107.

The above described property is represented upon West Boylston Assessors Tax Map 107 as Parcel 22.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Norman Goodale	$ 180,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $180,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, April 5, recommending that the Commission adopt an Order of Taking for acquisition of approximately 29.7 acres of land owned by Ann S. Kim, located in the Town of Boylston, Massachusetts, and to approve an award of damages in the amount of $330,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 29.7 acres of land owned by Ann S. Kim, located in the Town of Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, April 11, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

Two certain parcels of land situated in the northerly part of said Town of Boylston on the road formerly referred to as the road leading from the Meeting House to Sawyers Mills, now a portion of Main Street-Route 70, lying northerly of French Drive and southwesterly of Cross Street, more particularly bounded and described as follows:

Parcel 1

Beginning at a stone monument set at a point on the 1927 southeasterly layout line of Main Street-Route 70, at land formerly of Frederique Ropp, now of the Commonwealth of Massachusetts, Metropolitan District Commission, being the northeasternmost point of the parcel herein being described;

Thence S. 13° 43′ E., 209.2 feet, by the remains of a stone wall, to a stone monument;

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Thence S. 03° 52′ E., 501.7 feet, by the remains of the wall, to a bolt set;

Thence S. 21° 22′ W., 175.9 feet, by the stone wall, to a stone monument set at a point within the wall;

Thence S. 17° 07′ E., 150.9 feet, by the wall, to a stone monument set at a point within the wall;

Thence S. 15° 40′ E., 450.0 feet, by the wall, to a stone monument set in a corner of walls, at the southeasterly corner of the parcel being described, at lands formerly of Lewis A. Hastings, and of John Fitzgerald, now or formerly, of the Town of Boylston, and of Worcester County Horticultural Society, Tower Hill Farm, the last five courses being by land, formerly of Frederique Ropp, now of the Commonwealth, as shown upon the first cited survey plan referenced below;

Thence S. 81° 53′ 27" E., 356.00 feet, by the stone wall, to a drill hole set at a juncture of walls;

Thence S. 70° 30′ 50" E., 636.06 feet, to a ring of stones found;

Thence S. 12° 44′ 52" W., 435.38 feet, to a stake and stones found;

Thence N. 76° 24′ 48" W., 295.32 feet, to a point on the 1927 easterly layout line of Main Street-Route 70, the last four courses being by land, formerly of John Fitzgerald, now or formerly, of Worcester County Horticultural Society, Tower Hill Farm, as shown upon the second cited survey plan referenced below;

Thence N. 11° 26′ 00" E., by the easterly layout line of Main Street-Route 70, as established by Decree No. 761 of the County Commissioners of Worcester County, 367.48 feet, more or less, to a Worcester County Highway bound;

Thence Northeasterly, by a curve to the right with a radius of 1650.00 feet, an arc distance of 456.00 feet, by the highway layout, to another Worcester County Highway bound;

Thence Northeasterly, by a curve to the right with a radius of 2446.12 feet, an arc distance of 434.52 feet, by the highway layout, to another Worcester County Highway bound;

Thence N. 37° 26′ 50" E., 177.34 feet, by the highway layout, to another Worcester County Highway bound set at a point of curvature;

Thence Northeasterly, by a curve to the right with a radius of 1650.00 feet, an arc distance of 592.36 feet, by the highway layout, to another Worcester County Highway bound;

Thence Northeasterly, by a curve to the right with a radius of 2314.39 feet, an arc distance of 465.82 feet, more or less, by the highway layout, to the first mentioned stone bound, at land, formerly of Ropp, being the point and place of beginning.

Excepting from the above, a parcel of land described in a deed from Helen Margaret Christenson to Robert E. Senecal et ux dated August 3, 1962 and recorded with Worcester District Registry of Deeds at Book 4310, Page 534. This parcel as shown upon a plan entitled "Plan of Land in Boylston, Mass. owned by G. Emil and Helen M. Christenson, July 15, 1948", is supposed to contain 1.55 acres. This excepted parcel is, now or formerly, property of Steven S. Noyes as indicated by the instrument recorded with Worcester District Registry of Deeds at Book 7317, Page 65.

Excepting also a parcel of land described in a deed from Gustaf Emil Christenson and Helen Margaret Christenson to Wallace R. Houghton dated July 26, 1934, and recorded with Worcester District Registry of Deeds at Book 2616, Page 302. This parcel is the same parcel described below as Parcel 2.

Parcel 1, as described above, is supposed to contain, by estimate, 27.7 acres, more or less.

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There is no known record survey plan of the above described parcel. The following survey plans have been used to derive the description by abuttors recited above:

1. "Commonwealth Of Massachusetts, Metropolitan Water Works, Improvement Of Wachusett Watershed, Plan No. 207 Of Land Takings", dated September 24, 1918, and signed by William F. Foss, Chief Engineer of Water Works, which plan is recorded with Worcester District Registry of Deeds as Plan 60 in Plan Book 32.

2. "Plan Of Property Owned By Worcester County Horticultural Society", dated November 10, 1986, prepared by Cullinan Engineering Co.,Inc. Holland R. Shaw R.L.S., copies of which plan are on file with Cullinan Engineering Co., Inc. Auburn MA., Worcester County Horticural Society, Tower Hill Farm, Boylston MA, and the Real Property Office of the MDC, 20 Somerset Street, Boston, MA.

3. The 1927 Layout of the Boylston-Worcester-Clinton Main Highway, Worcester County Commissioners Decree No. 761, Plan H-2092, recorded with Worcester District Registry of Deeds as Plan 3 in Plan Book 50.

Parcel 2

Beginning at a drill hole in a stone wall running easterly from said line of Main Street-Route 70 through land, formerly of Gustaf Emil Christenson, et ux, now or formerly, of Steven S. Noyes, which point is 386 feet easterly from the 1927 layout of Main Street-Route 70, said stone wall intersecting the easterly line of Main Street at a point northeasterly 911.55 feet, as measured along a curve to the right with a radius of 1650.00 feet, from land, formerly of John E. Fitzgerald, now or formerly, of Worcester County Horticultural Society, and 91.5 feet northeasterly of a Worcester County Highway bound in the easterly layout line of Route 70;

Thence N. 02° W., 147.50 feet to an iron pipe;

Thence N. 88° E., 295.33 feet to an iron pipe;

Thence S. 02° E., 295 feet to an iron pipe;

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Thence S. 88° W., 295.33 feet to an iron pipe;

Thence N. 02° W., 147.50 feet to the point of beginning.

Containing 2 acres, more or less, and being the same parcel shown upon a plan entitled "Survey For Wallace R. Houghton of Property in Boylston, Mass.," made by W. H. Bradley, dated June 1933, which plan is recorded with Worcester District Registry of Deeds in Deed Book 2616 following Page 302. This parcel is further identified as the second excluded parcel in the description of Parcel 1, above.

Also expressly taken herein is the right of way from Main Street to the above described Parcel 2, running by the stone wall referenced above and crossing land, formerly of Wallace R. Houghton, now or formerly, of Steven S. Noyes, as described in two instruments drawn and recorded specifically to create the right of way, the first from Wallace R. Houghton to Gustaf Emil Christenson and Helen Margaret Christenson, and the second from Gustaf Emil Christenson and Helen Margaret Christenson to Wallace R. Houghton, both dated July 26, 1934 and recorded with Worcester County Registry of Deeds at Book 2616, Page 302.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Main Street-Route 70 which may be held by the supposed owner, as a result of her ownership of the above described property, and Parcel 1, as above described, being the same premises described in a deed from Thomas C. Kim and Ann S. Kim to Ann S. Kim, dated March 4, 1975 and recorded with Worcester District Registry of Deeds at Book 5676, Page 207, and Parcel 2, as above described, being the same premises described in a deed from Thomas C. Kim and Ann S. Kim to Ann S. Kim, dated March 10, 1975 and recorded with said Deeds 5685, Page 242.

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The above described properties are represented upon Boylston Assessors Tax Map 179 as Parcel 32 and Map 176 as Parcel 87.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Ann S. Kim	$ 330,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $330,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

Adjourned at 9:50 a.m., to meet on Thursday, April 18, 1996, at 9:00 a.m.

William J. Cusick
S e c r e t a r y

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Record of the Three Thousand Seven Hundred and Sixty Ninth (3769th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, April 25, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr, Settles and Wu.

The Records of the Commission Meeting held on April 4, 1996 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Amendment, dated April 25, 1996, to Contract-Agreement No. P96-1826-D1A, with Bourne Consulting Engineering, for Boston Harbor Beaches Early Resanding Program.

2. Contract-Agreement No. WM96-0138-X1A, dated April 25, 1996, with Earth Tech, for Compliance and Site Assessment Services.

3. Contract No. P92-1646-C3A, dated April 25, 1996, with W. H. Hughes, Inc., for New Traffic Gates - Beades Drawbridge, Dorchester.

4. Contract No. P96-1832-C1A, dated April 25, 1996, with J. J. Phelan & Son Co., Inc., for Park Construction at Kent's Carpetland Parcel, Quincy.

5. Contract No. P94-1719-C1A, dated April 25, 1996, with Forte Landscape and Construction Co., for Installation of New Benches, Boston Harbor Beaches.

Action was taken upon the following matters relating to the Engineering and Construction Division:

6. Report of Messrs. Faucher and Jackson, March 20, on bids for 1996 Parkway Landscape Improvements - Contract No. P92-1628-C5A. (Messrs. Faucher and Jackson recommend acceptance of the base bid of Foye & Letendre Landscaping, Inc., in the amount of $200,620.00, plus Add Alt #1, for the sum of $5,100.00 and Add Alt #2, for the sum of $5,700.00, for a total bid of $211,420.00).
The Commission V O T E D: to accept the base bid of Foye & Letendre Landscaping, Inc., in the amount of $200,620.00, plus Add Alt #1, for the sum of $5,100.00 and Add Alt #2, for the sum of $5,700.00, for a total bid of $211,420.00, as recommended by Messrs. Faucher and Jackson in their report of March 20, 1996.

7. Report of Messrs. Faucher and Jackson, April 5, requesting an extension of time from November 19, 1995 to May 15, 1996, on Contract No. P95-1770-C1A, with Fleming Brothers, Inc., for Reconstruction of Riverdale Park, Dedham and Toohig Playground, Dorchester, due to early adverse snow conditions and continued snow fall this winter.

(At no increase in Contract cost).
The Commission V O T E D: to approve an extension of time from November 19, 1995 to May 15, 1996, as requested by Messrs. Faucher and Jackson in their report of April 5, 1996, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. Faucher and Gordon Graham, April 11, recommending the following on Contract No. P95-1764-S1A, with Gerald S. Parker, for Lead Paint Safety Protocols -
(a) That work be accepted as completed as of March 1, 1996.
(b) That Estimate No. 3 (Final), in the amount of $1,955.00, be approved for payment.
(Basis of Award - $4,060.00)
(Amount to Date - $4,059.90)
(Contract Performance Rating - 8.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Gerald S. Parker, Consultant under Contract No. P95-1764-S1A, be and hereby is accepted as completed as of March 1, 1996.
The Commission further V O T E D: to approve Estimate No. 3 (Final), in the amount of $1,955.00, for payment.

2. Report of Mr. Faucher and Ms. Peterson, April 9, recommending approval of a revision in quantities on Item No. 016-020 - Substructure Spall Repair Greater than 6" Deep - at a cost of $94,500.00, on Contract No. P82-1054-C1A, with the Middlesex Corporation/Middlesex Paving/Middlesex Bituminous Product/Middlesex, Inc.,/Middlesex Materials Corporation, for Repair of Charles Circle Bridges #57A and 57B, Boston.
Funding available in Account No. 2490-0009.
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and McCalla, April 9, recommending approval of revisions in quantities on the following items on Contract No. P94-1738-M1A, with F. M. Generators, Inc., for Maintenance and Repair of Prime Power and Emergency Generators at Various Locations -

Item No. 4	**$1,750.00**
Hourly Rate for Service Technician	
Item No. 5	**$ 150.00**
Hourly Rate for Transportation	
	Total = $1,900.00

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 2 - Preventative Maintenance Service, Franklin Park Zoo and Item No. 3 - General Quarterly Maintenance Service for Emergency Generator).
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher and Sacco, March 18, recommending approval and ratifying the action of Acting Director Faucher resulting in the following Revision in Quantities, Alterations and Extra Work Order on Contract No. P95-1788-C1B, with A & M

Roofing and Sheet Metal Co., Inc., for Critical Repairs to MDC Swimming Pools and Service Buildings -

REVISIONS IN QUANTITIES

Item No. 002-006	-	Saw Cutting Concrete	-	$ 460.00
Item No. 002-010	-	Loam	-	660.00
Item No. 005-100	-	Structural Steel	-	19,664.70
Item No. 011-003	-	2" Copper Pipe	-	180.00
Item No. 011-004	-	1," Copper Pipe	-	920.00
Item No. 011-007	-	." Copper Pipe	-	4,758.00
Item No. 011-008	-	3/8" Copper Tubing	-	1,200.00
Item No. 011-017	-	1." Black Iron Pipe	-	190.00
Item No. 011-020	-	2" Cast Iron Pipe	-	720.00
Item No. 011-022	-	4" Cast Iron Pipe	-	875.00
Item No. 011-028	-	1." Ball Valves	-	540.00
			TOTAL =	**$30,167.70**

ALTERATIONS

No. 1 - Substitution of sod for seed at McCrehan Pool	- $1,205.55
No. 2 - Steel doors in place of wood doors (Cass & Latta Pool)	- no additional cost
No. 3 - New shower and lavatory walls using 4" and 2" glazed block in place of 6" glazed block	- $12,540.00
TOTAL =	**$13,745.55**

EXTRA WORK ORDERS

No. 11 - Chip, level and finish concrete floor (Latta Pool)	- $ 1,310.92
No. 12 - Provide new concealed shower units for handicapped	- $ 4,857.61
No. 13 - New floor drains and piping at Brighton-Allston Pool	- $ 944.98
TOTAL =	**$ 7,113.51**

(At no increase in Contract cost as the Revisions, Alterations and Extra Work Orders will be under the current approved funding for the project).

The Commission V O T E D: to approve the revisions in quantities in the amount of $30,167.70.

The Commission further V O T E D: to approve Alteration No. 1, in the amount of $1,205.55.

The Commission further V O T E D: to approve Alteration No. 2, at no additional cost to the Commission.

The Commission further V O T E D: to approve Alteration No. 3, in the amount of $12,540.00.

The Commission further V O T E D: to approve Extra Work Order No. 11, in the amount of $1,310.92.

The Commission further V O T E D: to approve Extra Work Order No. 12, in the amount of $4,857.61.

The Commission further V O T E D: to approve Extra Work Order No. 13, in the amount of $944.98.

1. Report of Mr. Faucher and Ms. Pomorska, April 22, recommending approval of revisions in quantities on the following items on Contract No. P95-1758-C1A, with Coviello Electric & General Contracting Co., Inc., for Construction of Traffic Signals on

Ocean Avenue, at the Intersection of Beach Street, Revere -
Item No. 016-010 - Detector Lead in Cable - $ 178.00
Item No. 022-010 - Traffic Control Services - $1,530.00
Total = $1,708.00
(At no increase in Contract Cost as the revisions will be offset unused quantities in Item No. 005-010 - Three Inch Galvanized Steel Conduit, Item No. 006-010 - Multi-Conductor Traffic Signal Cable - 12 Conductor and Item No. 023-010 - Information Material).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher and Higgott, April 17, requesting approval of the request of the Consultant, Camp Dresser and McKee, Inc., for an extension of time from April 30, 1996 to July 30, 1996, on Contract No. P94-1753-D1A, for Sewage System Modification - Design Review Services, due to the need to hold meetings with officials of the Town of Nahant.
Messrs. Faucher and Higgott further request that the Commission execute the Amendment for the extension of time.
(At no increase in compensation).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated April 25, 1996, to Contract No. P94-1753-D1A, with Camp Dresser and McKee, which was signed by the Commissioner and three Associate Commissioners.

2. Report of Messrs. Faucher, Brooks and Haider, March 22, recommending that the Commission Amend its vote of March 7, 1996, regarding revisions in quantities and Extra Work Claims on Contract No. P95-1778-C1A, with Ledgewood Construction Company, Inc., for Installation of a Ten-Inch (10") Water Line at the Blue Hills Ski Area, Canton, by changing Account No. from 2440-9853 to 2440-9843.
The Commission V O T E D: to Amend its vote of March 7, 1996, regarding revisions in quantities and Extra Work Claims on Contract No. P95-1778-C1A, with Ledgewood Construction Company, Inc., for Installation of a Ten-Inch (10") Water Line at the Blue Hills Ski Area, Canton, by changing Account No. from 2440-9853 to 2440-9843, as recommended by Messrs. Faucher, Brooks and Haider in their report of Mach 22, 1996.

3. Report of Messrs. Faucher and Sacco, March 20, requesting rejection of the only bid received, that of Allied Weatherproofing Co., Inc., of $524,995.00, on Contract No. P96-1841-C1A, for Pool Filtration System - Boston (Lee Pool), due to capital spending constraints.
The Commission V O T E D: to reject the only bid received, that of Allied Weatherproofing Co., Inc., of $524,995.00, on Contract No. P96-1841-C1A, for Pool Filtration System - Boston (Lee Pool), due to capital spending constraints.

4. Report of Messrs. Faucher and DeLuca, August 15, 1995, recommending ratification of the action of Acting Director Faucher resulting in Extra Work Order and revisions in quantities, as follows on Contract No. P93-1662-C1A, with Allied

Weatherproofing Co., Inc., for Critical Repairs to Swimming Pools and Service Buildings -

Extra Work Order No. 7	**$ 1,819.86**
Installation of new chimney & flue piping for the hot water heating system at the Brighton/ Allston Pool.	
Revisions in Quantities	
Item No. 002-012	$16,000.00
Bituminous Concrete Removal	
Item No. 011-005	$ 1,220.00
New 1 1/4" Copper Pipe	
Item No. 011-012	$ 100.00
New 1 1/4" Ball Valves	
Item No. 011-058	$ 500.00
New 4" Cast Iron Flange Gate Valves	
Item No. 012-003	$ 1,000.00
New Chlorine Bulk Storage (500 Gallon Tank)	
Item No. 001-001	$ 1,433.19
Bonds	
	Total = $20,253.19

(At no additional Contract cost as underruns will offset the additions).

The Commission V O T E D: to ratify the action of Acting Director Faucher which resulted in Extra Work Order and revisions in quantities on Contract No. P93-1662-C1A, with Allied Weatherproofing Co., Inc., for Critical Repairs to Swimming Pools and Service Buildings.

The Commission further V O T E D: to approve Extra Work Order No. 7, in the amount of $1,819.86.

The Commission further V O T E D: to approve the Revisions in Quantities as recommended by Messrs. Faucher and DeLuca in their report of August 15, 1995.

1. Report of Messrs. Faucher and DeLuca, April 22, recommending approval to assess and withhold liquidated damages in the sum of $200.00 per day, under Section G-30, Article XXI, of the Contract Specifications, on Contract No. P93-1662-C1A, with Allied Weatherproofing Co., Inc., for Critical Repairs to Swimming Pools and Services Buildings, for failure to complete the specified filtration and piping systems by the contract completion date, as follows: Cass Pool, Roxbury, did not open until July 3, 1994 (3 days after Contract specified completion date) - liquidated damages - $600.00. Brighton/Allston Pool, did not open until July 17, 1994 (17 days after Contract specified completion date) - liquidated damages - $3,400.00. Total liquidated damages $4,000.00.

Associate Commissioner Settles stated that in his opinion liquidated damages in the amount of $200.00 per day are not adequate compensation to the Commission for the loss of pool time caused by the Contractor's failure to complete the project on schedule.

Mr. DeLuca, MDC Project Engineer, explained that through an error, the liquidated damages were listed in Article XXI (Damages to the Commission Section) of the Contract Specifications at $200.00 per day when they should have been listed at $400.00 per day.

Following a lengthy discussion concerning the Contract and liquidated damages, Associate Commissioner Settles requested that the Commission be provided with the following information prior to the Meeting of May 2, 1996 -
An outline of the present formula for setting the dollar amount for liquidated damage to be assessed for failure of a Contractor to complete a Contract within the specified time.
A new formula for setting more realistic liquidated damage assessment on the Contractor for projects which are not completed by the scheduled completion date.
Associate Commissioner Settles further requested that the Commission be provided with an accounting of the number and final cost of all Contracts awarded by the Commission to Allied Weatherproofing Co., Inc., over the past three years.
The Commission V O T E D: approval to assess and withhold liquidated damages in the sum of $200.00 per day, under Section G-30, Article XXI, of the Contract Specifications, on Contract No. P93-1662-C1A, with Allied Weatherproofing Co., Inc., for Critical Repairs to Swimming Pools and Services Buildings, for failure to complete the specified filtration and piping systems by the contract completion date, as follows: Cass Pool, Roxbury, did not open until July 3, 1994 (3 days after Contract specified completion date) - liquidated damages - $600.00.
Brighton/Allston Pool, did not open until July 17, 1994 (17 days after Contract specified completion date) - liquidated damages - $3,400.00, for a total liquidated damages in the amount of $4,000.00.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Mr. Pula, March 29, submitting for approval Section F, Parking and Launching, Quabbin Boat Fishing and Fee Schedule for the 1996 Fishing Season at Quabbin Reservoir, which was Held Over at the Commission Meeting of April 11, 1996 - as follows -

F. PARKING/LAUNCHING FEES

Parking:	Per Vehicle	$2.00
	Senior Citizens/ Handicapped Citizen	$1.00
Private Boat Launching:	Per Person	$2.00
	Senior Citizen/ Handicapped Citizen	$1.00

The Commission V O T E D: Held Over indefinitely.

2. Report of Messrs. McGinn and Robert O'Connor, April 10, requesting approval of Interagency Service Agreement with the Statistical Consultation Center at the University of Massachusetts, (Contract No. WM96-073-S1A), for Statistical Forest Regeneration Study.
Time for Performance - April 15 to December 30, 1996.
Total Obligation - an amount not-to-exceed $3,000.00.
Account No. 2420-1400.
The Commission V O T E D: approved as requested by Messrs. McGinn and O'Connor in their report of April 10, 1996.

1. Report of Messrs. McGinn and Robert O'Connor, April 10, requesting approval of Interagency Service Agreement with The Resource Mapping Office at the University of Massachusetts (Contract No. WM95-074-S1A), for the Interpretation of Orthophotos to Locate Vernal Pools. Time for Performance - April 15 to December 30, 1996.
Total Obligation - an amount not-to-exceed $3,600.00.
Account No. 2420-1400.
The Commission V O T E D: Approved as requested by Messrs. McGinn and O'Connor in their report of April 10, 1996.

2. Report of Mr. Robert O'Connor and Ms. Zilligen, April 4, requesting approval and execution of an Amendment for an extension of time from April 30, 1996 to June 30, 1996, on Contract No. WM95-008-S1A, with Steinberg and Clark, Environmental Policy and Planning Consultants, for Wachusett Recreational Survey, due to unforeseen delays in obtaining data for Consultant.
(At no increase in Contract cost).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated April 25, 1996, to Contract No. WM95-008-S1A, with Steinberg and Clark, Environmental Policy and Planning Consultants, which was signed by the Commissioner and three Associate Commissioners.

3. Report of Mr. Pula, April 18, requesting approval of a Service Contract with the Small Change Theatre, Inc., for Theatrical Performances on Drinking Water for Schools in the Quabbin and Wachusett Watershed during National Drinking Water Week (May 5 - 11, 1996). Total Cost for the two (2) days will be $2,000.00.
Account No. 2420-1400-JJ-J04.
The Commission V O T E D: Approved.

4. Report of Mr. McGinn, April 18, on bids for Non-Hazardous Waste Removal Services - Wachusett Section Fiscal Year 1997-1998.
(Mr. McGinn recommends acceptance of the lowest two year bid,that of Waste Management of Massachusetts of $5,856.00. Time for Performance July 1, 1996 thru June 30, 1998).
Account No. 2420-1400-JJ-J39.
The Commission V O T E D: to accept the lowest two year bid, that of Waste Management of Massachusetts of $5,856.00, as recommended by Mr. McGinn in his report of April 18, 1996.

Action was taken upon the following matter relating to the Recreational Facilities and Programs Division:

5. Report of Mr. Doak, April 18, submitting for approval and execution, Permit Agreement between the Metropolitan District Commission and The East Boston Residents Action Council to use the Porrazzo Rink in East Boston, for a Summer Youth Program, from June 30, 1996 to August 29, 1996.
(At no cost to the Commission).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Permit Agreement, dated April 25, 1996, between the Metropolitan District

Commission and The East Boston Residents Action Council to use the Porrazzo Rink in East Boston, for a Summer Youth Program, from June 30, 1996 to August 29, 1996, which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following Various Matters:

1. Report of Mr. Jewett, April 12, requesting approval of the award of the following four (4) Contract-Agreements, for Open Order Contract No. RP96-0004, for Professional Real Estate Chapter 21E Study Services. Park Land Acquisition Program FY96 - Middlesex, Suffolk, Norfolk, Essex and Plymouth Counties -

NAME	VALUE	PARCELS
GZA GeoEnvironmental, Inc. 320 Needham Street Newton Upper Falls, MA 02164	$15,500.00	1 (EOEA form for 5)
Environmental Compliance Services, Inc. 588 Silver Street Agawam, MA 01011	$ 2,280.00	1
Lord Associates 91 Providence Highway Westwood, MA 02090	$27,700.00	3
Gale Associates, Inc. 8 School Street Weymouth, MA 02189-0001	$14,300.00	2

Mr. Jewett further requests that Commissioner Balfour be authorize to execute the Contract-Agreements on behalf of the Commission.
Account No. 2441-9886.
The Commission V O T E D: to approve the award of the four (4) Contract-Agreements, for Open Order Contract No. RP96-0004, for Professional Real Estate Chapter 21E Study Services. Park Land Acquisition Program FY96 - Middlesex, Suffolk, Norfolk, Essex and Plymouth Counties, as requested by Mr. Jewett in his report of April 12, 1996.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Contract-Agreements on behalf of the Commission.

2. Report of Mrs. O'Brien, April 11, requesting renewal and execution of Contract-Agreements with Messrs. Driscoll and Queeley, for Planning Services Pursuant to Land Acquisition and Master Planning, as follows - Daniel Driscoll - At a cost not-to-exceed $49,995.85. Time for Performance - July 1, 1996 to June 30, 1997. Account No. 2490-8915 of Chapter 33, Acts of 1991. David Queeley - At a cost not-to-exceed $49,995.85. Time for Performance - July 1, 1996 to June 30, 1997.
Account No. 2490-8915 of Chapter 33, Acts of 1991.
The Commission V O T E D: approval to renew Contract-Agreements with Messrs. Driscoll and Queeley, for Planning Services Pursuant to Land Acquisition and Master Planning.

The Secretary then submitted for signature Contract-Agreements, dated April 25, 1996, with Messrs. Driscoll and Queeley, which were signed by the Commissioner and three Associate Commissioners.

1. Report of Mr. Jewett, April 22, requesting award of the following seven (7) Contract-Agreements, for Open Order Contract No. RP96-0003, for Land Survey Services (Watershed Land Acquisition, as follows -

NAME	VALUE	PARCELS
Ainsworth Associates, Inc. 117 Main Street P.O. Box 1555 Greenfield, MA 01302	$ 4,912.00	2
Andrysick Land Surveying, Inc. 183 Beaman Road Princeton, MA 01541	$19,725.00	2
Bouley Brothers, Inc. 75 Hammond Street Worcester, MA 01613	$ 1,360.00	1
Cullinan Engineering Co., Inc. 200 Auburn Street Auburn, MA 01501	$18,828.00	3
Hub Survey Associates, Inc. 32-B West Boylston Street West Boylston, MA 01583	$ 3,090,00	1
James E. Gaffney Co. 55 St. Jean Avenue Leominster, MA 01453	$ 7,020.00	2
Schofield Brothers of New England, Inc. 1071 Worcester Road Framingham, MA 01701-5298	$11,700.00	2
Total =	$66,635.00	13

Mr. Jewett further requests that Commissioner Balfour be authorized to execute the Contract-Agreements on behalf of the Commission.
Account No. 2421-9936.
Time for Performance - thirty days.
The Commission V O T E D: Approved.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Contract-Agreements on behalf of the Commission.

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Action was taken upon the following matters relating to the Office of Real Property:

1. Report of Mr. Gray, April 12, submitting for approval, Work Schedule and Project Summary and Justification, for Open Order Contract No. RP96-0004, for Appraisals for Park Land Acquisition FY/96 - Middlesex, Suffolk, Norfolk, Essex and Plymouth Counties.
Cost - $82,000.00.
Account No. 2441-9886, under Section 32 of Chapter 564 of the Acts of 1987 - (Open Space Bond).
The Commission V O T E D: Approved.

1. Report of Mr. Gray, April 19, recommending that the Commission adopt an Order of Taking for acquisition of approximately 50.119 acres of land owned by Thomas Lanciani, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $375,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 50.119 acres of land owned by Thomas Lanciani, located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, April 25, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

Two certain parcels of land lying southwesterly and northeasterly of a town road known as Rowley Hill Road and also as Justice Hill Road, said parcels both being traversed by "Rocky Brook" so-called, more particularly bounded and described as follows:

Parcel 1

Beginning at a point on the southwesterly layout line of Justice Hill, a.k.a. Rowley Hill Road, at a stone wall marking the boundry between the parcel being described and land, formerly of John V. Blanchard, now of the Commonwealth of Massachusetts, M D C, said point being located 254.07 feet southwesterly, as measured along a curve to the right, having a radius of 1410.00 feet, from a Worcester County Highway bound marking the end of the curve, on frontage formerly of the aforesaid Blanchard;

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Thence S. 65° 10′ 08" W., by the wall, 772.93 feet, crossing a gap in the wall, to a drill hole at the continuation of the wall;

Thence S. 65° 53′ 44" W., by the wall, 389.78 feet, to another drill hole;

Thence S. 66° 02′ 43" W., by the wall, 171.73 feet, to a point in the wall;

Thence S. 64° 39′ 09" W., by the wall, 138.40 feet, to a drill hole at a corner of walls;

Thence S. 39° 31′ 42" E., by the wall, 593.84 feet, to a point in the wall;

Thence S. 38° 14′ 40" E., by the wall, 218.62 feet, more or less, to a point at a corner of stone walls, and other land, now or formerly, of Lanciani, the last six courses being by land now of the Commonwealth, formerly of Blanchard;

Thence N. 33° 30′ E., by the wall, 210.54 feet, more or less, to a point in the wall;

Thence N. 43° W., by the wall, 812.46 feet, more or less, to a point on the southwesterly layout line of Justice Hill, or Rowley Hill Road, the last two courses being by other land, now or formerly, of Lanciani;

Thence Northwesterly by the roadway and a curve to the right with a radius of 1230.00 feet, an arc distance of 199.38 feet, more or less, to a Worcester County Highway bound at the northerly end of the curve;

Thence N. 08° 31′ 45" W., by the roadway layout, 334.17 feet to another Worcester County Highway bound, at a point of curvature;

Thence Northwesterly by the roadway layout and a curve to the right with a radius of 1410.00 feet, an arc distance of 265.39 feet to the first mentioned point at the stone wall, being the point and place of beginning.

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This parcel is supposed, by prior deed description, to contain 22 acres and 147 square rods, or 22.919 acres.

Parcel 2

Beginning at a point directly across the roadway from the last cited point above, on the northeasterly line of Rowley Hill or Justice Hill Road, at the southwesterly end of a stone wall, at other land, now or formerly, of Lanciani, said point lying northwesterly as measured along a curve to the right having a radius of 1470.00 feet, an arc distance of 279.45 feet, more or less, from a Worcester County Highway bound lying across the roadway from the last cited WCH bound in the description of Parcel 1 above.

Thence N. 38° E., by the stone wall, and other land, now or formerly, of Lanciani, 836.88 feet, more or less, to a corner of walls and land, now or formerly, of Ross I. Deacon, Trustee

Thence N. 23° 15′ E., 271.92 feet, more or less, to a point;

Thence N. 42° 40′ E., 528.00 feet, more or less, to a corner;

Thence N. 58° 15′ W., 287.7 feet, more or less, to a point at land, now or formerly, of Henry Erickson, the last three courses being by land, now or formerly, of Deacon;

Thence N. 46° 30′ E., 156.75 feet, more or less, to a corner;

Thence N. 71° W., 349.8 feet, more or less, to a point;

Thence N. 59° 15′ W., 284.63 feet, more or less, to a corner;

Thence S. 47° 15′ W., 171.60 feet, more or less, to a point;

Thence S. 54° 15′ W., 446.82 feet, more or less, to a point;

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Thence S. 09° 30′ W., 374.88 feet, more or less, running by a stone wall to a point at an angle of the wall;

Thence S. 57° 15′ W., 217.12 feet, more or less, to an iron rod and stones, at land, now or formerly, of one Boylan, the last seven courses being by land, now or formerly, of Erickson, known as the "Davison Lot";

Thence S. 53° 41′ 40" E., 173.50 feet, to a drill hole at an angle in a stone wall;

Thence S. 35° 45′ W., by the stone wall, to an iron rod and stones at a point on the northeasterly line of Rowley Hill or Justice Hill Road, the last two courses being by land, now or formerly, of Boylan;

Thence Southeasterly by the roadway and a curve to the right with a radius of 970.00 feet, an arc distance of 36.33 feet to a Worcester County Highway bound at the southeasterly end of the curve;

Thence S. 29° 38′ 15" E., by the roadway, 382.72 feet to another Worcester County Highway bound;

Thence Southeasterly by the roadway and a curve to the right with a radius of 1470.00 feet, an arc distance of 262.12 feet, more or less, to the end of the stone wall first mentioned, being the point and place of beginning.

This second parcel is estimated to contain 27.2 acres, more or less.

There is no known record plan of the parcels described above. In addition to prior deed descriptions and out lot descriptions, the above metes and bounds have been partially derived from the following recorded plans:

1) A plan entitled "Plan of Property Owned by John V. Blanchard Justice Hill Road, Sterling MA.", dated June 27, 1994, prepared by Cullinan Engineering Co., Inc., and recorded with Worcester District Registry of Deeds as Plan 6 in Plan Book 685.

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2) The Worcester County 1932 Layout of Sterling, Rowley and Justice Hill Roads, Decree 872, Plan H-2333R, 13 sheets, recorded with Worcester District Registry of Deeds as Plan 7 in Plan Book 74.

The total area herein taken is estimated to be 50.119 acres.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Justice Hill Road or Rowley Hill Road which may be held by the supposed owner, as a result of their ownership of the above described property, and being the same premises described as the fourth and fifth parcels described in two deeds from Henry Lanciani, as Executor of the Will of Nunzio Lanciani, and from Frank Lanciani, as Executor of the Will of Anna Lanciani, dated July 14, 1967 and recorded with Worcester District Registry of Deeds in Book 4771, Pages 551 and 555.

The above described property is represented upon Sterling Assessors Tax Map 39 as Parcels 2 and 13.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Thomas Lanciani	$ 375,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $375,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, April 19, recommending that the Commission adopt an Order of Taking for acquisition of approximately 4.395 acres of land owned by Joshua Bradford, et ux, located in the Town of Boylston, Massachusetts, and to approve an award of damages in the amount of $60,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 4.395 acres of land owned by Joshua Bradford, et ux, located in the Town of Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, April 25, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A parcel of land lying off of the southerly side of Scar Hill Road, abutting lands previously acquired by the Commonwealth of Massachusetts for the protection of the waters of the Wachusett Reservoir, in the westerly part of the said Town of Boylston, more particularly bounded and described as follows:

Beginning at a point off of the southerly side of Scar Hill Road, at a stone bound found on the southeasterly side of a former road, known as Dover Road, or Old Dover Road, discontinued by Worcester County Commissioners in March 1904, and at land, formerly of William R. Albertson, now of the Commonwealth;

Thence S. 37° 12′ 23" E., 130.49 feet to another stone bound found at a corner;

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Thence S. 42° 16′ 17" W., 672.46 feet to another stone bound found, at the southernmost corner of the property being described;

Thence N. 45° 30′ 43" W., 376.16 feet, to a stone bound found at a point on the southeasterly line of the former Dover Road, the last three courses being by land, formerly of Albertson, now of the Commonwealth;

Thence N. 58° 31′ 33" E., 37.85 feet, to a point;

Thence N. 43° 43′ 14" E., 140.52 feet, to a point;

Thence N. 52° 16′ 49" E., 46.06 feet, to a point;

Thence N. 57° 51′ 51" E., 33.15 feet, to a point;

Thence N. 65° 59′ 05" E., 103.59 feet, to a point;

Thence N. 77° 02′ 35" E., 180.53 feet, to a point;

Thence N. 63° 33′ 54" E., 198.02 feet, to the first mentioned stone bound being the point and place of beginning, the last seven courses being by the former Dover Road.

Containing 4.3956 acres as shown upon a survey plan entitled "Plan of Properties in Boylston, Mass. - Surveyed For - Commonwealth of Massachusetts, Metropolitan District Commission - Owners As Shown", dated April 26, 1995, and prepared by Thompson-Liston Associates, Inc., which plan shall be recorded with Worcester District Registry of Deeds and made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Old Dover Road which may be held by the supposed owners, being the same premises described as Tract 2 in a deed from Martha E. Andrews to Joshua Bradford and Janet R. Bradford, dated November 24, 1969 and recorded with Worcester District Registry of Deeds in Book 4995, Page 122.

The above described property is represented upon Boylston Assessors Tax Map 25A as Parcel 18.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNERS	AWARD
Joshua Bradford and Janet R. Bradford	$ 60,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $60,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, April 19, recommending that the Commission adopt an Order of Taking for acquisition of approximately 19.203 acres of land owned by Joshua Bradford, et ux, located in the Town of Boylston, Massachusetts, and to approve an award of damages in the amount of $38,500.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 19.203 acres of land owned by Joshua Bradford, et ux, located in the Town of Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, April 25, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying south of Main Street-Route 70, and north of Linden, off of the westerly side of Cross Street, being the westerly portion of a parcel of land known as the "Faggot Hill Lot", more particularly bounded and described as follows:

Beginning at an iron pin found at the easternmost point of the parcel herein being described, said point being the northwesterly corner of a parcel of land, now or formerly, of Harold E. Johnson II and Elizabeth Johnson as shown upon a plan recorded with Worcester District Registry of Deeds as Plan 16 in Plan Book 436, said point lying N. 68° 41′ 20" W. 209.07 feet from another iron pin found on the westerly line of Cross Street;

Thence S. 25° 22′ 40" W. 467.61 feet, by lands now or formerly of the aforesaid Johnson, and of Wagner Motor Lease Corporation, to a drill hole set in a stone wall at land, now or formerly, of one DeMaria;

Thence N. 80° 42′ 29" W., by the wall, 13.92 feet to a drill hole set at at a wall corner;

Thence S. 18° 42′ 01" W., by the stone wall, 20.45 feet to another drill hole set in a corner of the wall, at land formerly of Cross Street Realty Trust, now of the Commonwealth of Massachusetts, Metropolitan District Commission, the last two courses being by land, now or formerly, of DeMaria;

Thence N. 89° 34′ 13" W., by the stone wall, 132.72 feet to a drill hole set at a point;

Thence N. 88° 03′ 04" W., by the wall, 400.18 feet to a drill hole set at a point;

Thence N. 89° 47′ 29" W., by the wall, 189.90 feet to a drill hole set at a corner of walls;

Thence N. 20° 18′ 36" W. by the wall, 76.67 feet to a drill hole set at a point;

Thence N. 22° 18′ 28" W., by the wall, 105.43 feet to a drill hole set at the end of the wall segment;

Thence N. 25° 22′ 53" W., by the remains of a barbed wire fence, 153.13 feet to a drill hole set at the southeasterly end of the continuation of the stone wall;

Thence N. 24° 07′ 31" W., by the wall, 206.38 feet to an iron pin set at a point in the wall;

Thence N. 25° 01′ 32" W., by the wall, 208.05 feet to a drill hole found at a corner of walls at land formerly of James Tiemeyer, now of the Commomwealth of Massachusetts, Metropolitan District Commission, the last eight courses being by land formerly of Cross Street Realty Trust, now of the Commonwealth;

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Thence N. 47° 03′ 09" E., by the stone wall, crossing a cart path running through the wall and running by land formerly of James Tiemeyer, now of the Commonwealth, to a drill hole found in a ledge outcrop at land, now or formerly, of the James Tiemeyer Estate;

Thence N. 89° 19′ 22" E., recrossing the cart path, 462.00 feet, to an MDC concrete bound set at a point;

Thence S. 82° 10′ 38" E., 224.40 feet to another MDC concrete bound set at other land of the "Faggot Hill Lot" to be retained by Joshua & Janet R. Bradford, the last two courses being by land, now or formerly, of the Tiemeyer Estate;

Thence S. 40° 46′ 53" E., 556.62 feet, by land to be retained by Bradford, to the first mentioned iron pin, being the point and place of beginning.

Containing 836,485 square feet, or 19.203 acres as shown upon a plan entitled " Land Taking Plan For Watewrshed Protection, Located On Cross Street, Boylston (Worcester County) MASS., Land Taking By Commonwealth of Massachusetts, Metropolitan District Commission, Division Of Watershed Management, Land Taking From Joshua & Janet R. Bradford", dated May 30, 1995, prepared by Land Planning Engineering & Survey, which plan shall be recorded with Worcester District Registry of Deeds, at a later time, and made a part of this instrument.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being the westerly portion of the parcel known as the "Faggot Hill Lot", being a portion of same premises described in a deed from Katherine W. Reed to Joshua Bradford and Janet Reed Bradford, dated December 16, 1968 and recorded with Worcester District Registry of Deeds at Book 4911, Page 290.

The above described property is represented upon Boylston Assessors Tax Map 187 as Parcel 35.

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AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Joshua Bradford and Janet R. Bradford	$ 38,500.00

The Commission further V O T E D: to approve an award of damages in the amount of $38,500.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, April 19, recommending that the Commission adopt an Order of Taking for acquisition of approximately 28.946 acres of land owned by Joshua Bradford, et ux, located in the Town of Boylston, Massachusetts, and to approve an award of damages in the amount of $350,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 28.946 acres of land owned by Joshua Bradford, et ux, located in the Town of Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, April 25, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

Three certain parcels of land, the first parcel lying westerly of Kendall Place, formerly known as Willard Andrews Road, the second and third parcels lying on the easterly side of said road, and at the northeasterly corner of the intersection of Kendall Place and Scar Hill Road, more particularly bounded and described as follows:

<u>Parcel 1</u>

Beginning at the southerly corner of the parcel herein being described, at a point in the westerly side of Kendall Place, at land, now or formerly, of John C. & Valerie G. Stowe;

Thence N. 32° 49′ 58" W., 50.00 feet along a stone wall, to a concrete bound set;

Thence N. 32° 49′ 58" W., 731.22 feet along the wall, to a drill hole set;

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Thence S. 46° 25′ 53" W., 242.30 feet, to a granite bound found at land, now or formerly, of the Inhabitants of the Town of Boylston (Pine Grove Cemetery), the last three courses being by land, now or formerly, of Stowe;

Thence N. 46° 04′ 07" W., 297.54 feet to the southeast corner of a stone post found;

Thence N. 46° 09′ 38" W., 22.00 feet, to a point;

Thence N. 42° 34′ 46" E., 498.30 feet, to a concrete bound set;

Thence N. 48° 21′ 53" W., 382.80 feet, to a granite bound found at land now of the Commonwealth of Massachusetts, Metropolitan District Commission, formerly of Margaret Lane, the last four courses being by land of the said Inhabitants of the Town of Boylston (Pine Grove Cemetery);

Thence S. 83° 13′ 58" E., 811.27 feet, by land of the Commonwealth, to a point on the westerly side of Kendall Place;

Thence S. 05° 03′ 47" W., 53.97 feet, to a point at the end of a stone wall;

Thence S. 03° 00′ 12" W., 161.30 feet, by the stone wall, to a point at its end;

Thence S. 05° 13′ 05" E., 46.63 feet, to a point at the end of another stone wall;

Thence S. 18° 43′ 06" E., 175.31 feet, to an angle point in the wall;

Thence S. 09° 38′ 50" E., 103.48 feet, to another angle point in the wall;

Thence S. 02° 02′ 42" W., 278.38 feet, to a point at the end of the wall;

Thence S. 07° 43′ 42" W., 390.33 feet, to a point;

Thence S. 34° 53′ 59" W., 51.75 feet to the point and place of beginning, the last eight courses being by the westerly line of Kendall Place.

Containing 647,768 square feet, or 14.871 acres as shown as "Lot A" upon a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, Boylston (Worcester County) MA., Land Taking Plan For Watershed Protection", prepared by Ainsworth Associates, Inc., dated June 30, 1995, which plan shall be recorded with the Worcester District Registry of Deeds and made a part of this order, at a later date.

The above described property is represented upon Boylston Assessors Tax Map 24 as Parcel 30.

Parcel 2

Beginning at the northwesterly corner of the parcel being described herein, at a granite bound found in the easterly line of Kendall Place, at land, formerly of Charles A. Hunt, now of the Commonwealth of Massachusetts, Metropolitan District Commission;

Thence S. 65° 42′ 00" E., 663.20 to a granite bound found at a corner of lands, formerly of Susan N. Hunt, and of Oliver S. Kendall, now of the Commonwealth of Massachusets, Metropolitan District Commission;

Thence S. 17° 29′ 09" W., 75.63 feet, to a granite bound with drill hole found;

Thence S. 20° 32′ 19" W., 499.10 feet, to a concrete bound set at a corner, and land, now or formerly, of Nicolas M. & Joanne B. Reitzel, the last two courses being by land, formerly of Oliver S. Kendall, now of the Commonwealth of Massachusetts (MDC);

Thence N. 60° 40′ 49" W., 402.18 feet, by land, now or formerly, of N.M.& J.B. Reitzel, to a concrete bound set in the easterly line of Kendall Place;

Thence N. 06° 16′ 53" E., 91.48 feet, to a point;

Thence N. 09° 38′ 50" W., 110.71 feet, to a point;

Thence N. 18° 43′ 06" W., 174.02 feet, to a point;

Thence N. 05° 13′ 05" W., 40.36 feet, to a point;

Thence N. 03° 00′ 12" E., 181.30 feet, to a point;

Thence N. 05° 04′ 30" E., 29.47 feet, to the first mentioned granite bound, being the place of beginning, the last six courses being by the easterly line of Kendall Place.

Containing 296,509 square feet, or 6.807 acres as shown as "Lot B" upon the survey plan previously referenced at the conclusion of the description of Parcel 1, "Lot A", above.

Parcel 3

Beginning at a concrete bound set in the easterly line of Kendall PLace, at the northwesterly corner of the parcel herein being described, at land, now or formerly, of Nicolas M. & Joanne B. Reitzel;

Thence S. 21° 02′ 30" E., 17.07 feet, to a point at the end of stone wall remains;

Thence S. 38° 02′ 30" E., 102.96 feet, along the stone wall remains, to a concrete bound set at its end;

Thence N. 34° 19′ 10" E., 659.43 feet, to a concrete bound set at a corner of lands, formerly of Susan N. Hunt, and of Oliver S. Kendall, now of the Commonwealth of Massachusetts, Metropolitan District Commission, being the same bound referenced at the conclusion of the third course in the description of Parcel 1, above;

Thence S. 26° 13′ 21" E., 897.00 feet, by land, now of the Commonwealth, formerly of Kendall, and along a stone wall, to a concrete bound found in a corner of stone walls, at land, now or formerly, of J. Walter Flagg;

Thence S. 43° 42′ 24" W., 168.87 feet, by land, now or formerly, of Flagg, and along the stone wall, to a concrete bound set at another corner of walls, at other land, now or formerly, of Joshua & Janet R. Bradford;

Thence N. 26° 13′ 21" W., 527.00 feet, to a concrete bound set;

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Thence S. 46° 01′ 15" W., 563.62 feet, to a concrete bound set in the northeasterly line of Scar Hill Road, the last two courses being by other land, now or formerly, of Bradford, shown as "Lot D" on the plan referenced at the conclusion of this description;

Thence N. 47° 20′ 49" W., 62.35 feet, to a point;

Thence N. 43° 25′ 41" W., 201.74 feet, to a point;

Thence N. 48° 36′ 22" W., 36.28 feet, to a point at the end of a stone wall in the easterly line of Kendall Place, the last three courses being by the northeasterly line of Scar Hill Road;

Thence N. 34° 55′ 13" E., 225.65 feet, by the easterly line of Kendall Place and along the remains of the stone wall, to the first mentioned concrete bound set, being the place of beginning.

Containing 316,592 square feet, or 7.268 acres as shown as "Lot C" upon the plan previously referenced at the conclusion of the description of Parcel 1, "Lot A", above.

Parcels 2 and 3, Lots "B" and "C", as described above, are represented upon Boylston Assessors Tax Map 1 as most of the northwesterly portion of Parcel 15.

The total area of the three parcels taken herein, Lots "A", "B", "C", described as Parcels 1, 2 & 3 above, is calculated to be 28.946 acres.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Kendall Place a.k.a. Willard Andrews Road, and/or Scar Hill Road which may be held by the supposed owners as a result of their ownership of the above described parcels, and being the remaining portion of the easterly part of the first tract described in a deed from Martha E. Andrews to Joshua Bradford and Janet R. Bradford, dated November 24, 1969, and recorded with Worcester District Registry of Deeds in Book 4995, Page 122, and also the westerly portion of the first tract in said deed, and also, the northwesterly portion of the same premises described in a deed from Martha E. Andrews to Joshua Bradford and Janet R. Bradford, dated December 8, 1969, and recorded with said Deeds in Book 4997, Page 568.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Joshua Bradford and Janet R. Bradford	$ 350,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $350,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1.

Report of Mr. Gray, April 22, recommending authorization for Belmont Hill School and Winsor School to discuss improvements to the Belmont Hill School Boat House, which is located on Commission property in Cambridge, with all other appropriate public agencies, authorities and commissions required for permitting such improvements, subject to the final consideration of, and approval by, the Commission.
The Commission V O T E D: to authorize Belmont Hill School and Winsor School to discuss improvements to the Belmont Hill School Boat House, which is located on Commission property in Cambridge, with all other appropriate public agencies, authorities and commissions required for permitting such improvements, subject to the final consideration of, and approval by, the Commission, as recommended by Mr. Gray in his report of April 22, 1996.

Adjourned at 10:25 a.m., to meet on Thursday, May 2, 1996, at 9:00 a.m.

William F. Cusick
Secretary

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Record of the Three Thousand Seven Hundred and Seventieth (3770th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, May 2, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Settles and Wu.

The Records of the Commission Meeting held on April 11, 1996 were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Haider, November 27, 1995, recommending the following on Contract No. P95-1810-C1A, with Titan Roofing, for Replacement of Service Building Roof at the Connell Rink/Pool Facility, Weymouth -

(a) That work be accepted as completed as of September 20, 1995.
(b) That Estimate No. 1F (Final), in the amount of $70,680.00, be approved for payment.
(c) That reserve, in the amount of $3,720.00, be approved for payment.

(Basis of Award - $74,400.00)
(Amount to Date - $74,400.00)
(Contract Performance Rating - 3.10)
(EEO Compliance - 1.80)

The Commission V O T E D: that the work of Titan Roofing, Contractor under Contract No. P95-1810-C1A, be and hereby is accepted as completed as of September 20, 1995.
The Commission further V O T E D: to approve Estimate No. 1F (Final), in the amount of $70,680.00, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $3,720.00, for payment.

Action was taken upon the following matters relating to the Watershed Management Division:

2. Report of Messrs. McGinn and Robert O'Connor, April 24, on proposals for the purchase of forest products located on the Quabbin, Ware River and Wachusett Watersheds.
The Commission V O T E D: to accept the highest qualified bid, that of Bruce Gurney, of $8,160.00; to purchase approximately 87,380 board feet of sawlogs, 32 cords of pulp and 86 cords of pulp tops on Timber Lot No. 131 - Wachusett Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of T. Jepson & Son, of $3,170.00; to purchase approximately 54,480 board feet of sawlogs, 62 cords of pulp and 106 cords of pulp tops on Timber Lot No. 132 - Wachusett Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid that of New Braintree Firewood, of $2,326.00; to purchase approximately 16,435 board feet of sawlogs and 142 cords of firewood on Timber Lot No. 222A - Ware River Watershed.
The Commission further V O T E D: to accept the highest qualified

bid, that of Ellsworth Sawmill, of $13,307.25; to purchase approximately 208,635 board feet of sawlogs and 144 cords of firewood on Timber Lot No. 229A - Ware River Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Forward Enterprise, of $10,200.00; to purchase approximately 119,845 board feet of sawlogs on Timber Lot No. 255 - Ware River Watershed.
The Commission further V O T E D: to accept the second highest qualified bid, that of Tim Robinson Logging, of $21,411.86; to purchase approximately 172,060 board feet of sawlogs, 277 cords of firewood and 193 tons of whole tree wood on Timber Lot No. 256 - Ware River Watershed.
The Commission further V O T E D: to accept the only qualified bid, that of New Braintree Firewood, of $684.57; to purchase approximately 57 cords of firewood on Timber Lot No. 736 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Wagner Wood, of $18,839.17; to purchase approximately 121,305 board feet of sawlogs, 165 cords of firewood and 25 cords in tops on Timber Lot No. 737 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Wagner Wood, of $14,708.00; to purchase approximately 6,495 board feet of sawlogs, 12 cords of firewood and 23 cords in tops on Timber Lot No. 738 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Heyes Forest Products, of $36,325.81; to purchase approximately 433,512 board feet of sawlogs, 134 cords of firewood and 332 tons of pulp on Timber Lot No. 739 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Wagner Wood, of $25,639.06; to purchase approximately 207,826 board feet of sawlogs, 195 cords of firewood and 60 cords in tops on Timber Lot No. 740 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Rich Williams Logging, of $2,816.20; to purchase approximately 20,840 board feet of sawlogs, 108 cords of firewood and 15 cords of tops on Timber Lot No. 741 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the only qualified bid, that of King-Chaffee Logging, of $10,622.00; to purchase approximately 252,905 board feet of sawlogs, 34 cords of firewood and 694 tons of pulp on Timber Lot No. 743 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Heyes Forest Products, of $10,745.60; to purchase approximately 128,495 board feet of sawlogs, 9 cords of firewood and 107 tons of pulp on Timber Lot No. 744 - Quabbin Reservoir Watershed.

1. Report of Messrs. McGinn and Kane, April 22, requesting that the Commission accept as completed, with the exception of construction services, the following two Contracts with Lindgren Associates, P.C. -

Contract No. WM94-008-D1A, for Rating and Design Load Study for Emergency Electrical Requirements at the Quabbin Administration Complex, in Belchertown, and to pay the Consultant $4,410.00, due on the Contract.

Contract No. WM96-048-D1A, for Design Improvements to the Electrical System, at the Division of Watershed Management, Field Administration Complex, West Boylston and to pay the Consultant $4,455.00, due on the Contract.

Messrs. McGinn and Kane further request that the Division and the Contract Administrator be authorized to negotiate and prepare a contract with Lindgren Associates, P.C., for construction services at the time such contracts proceed to the construction phase, at a cost as follows -

Contract No. WM94-008-D1A - $490.00
Contract No. WM96-048-D1A - $495.00 -
subject to adjustment due to inflation, etc.
(Account No. to be determined).

The Commission V O T E D: that the work of Lindgren Associates, P. C., Consultant under Contract No. WM94-008-D1A, for Rating and Design Load Study for Emergency Electrical Requirements at the Quabbin Administration Complex, in Belchertown, be and hereby is accepted as completed with the exception of construction services.

The Commission further V O T E D: to approve payment, in the amount of $4,410.00.

The Commission further V O T E D: that the work of Lindgren Associates, P. C., Consultant under Contract No. WM96-048-D1A, for Design Improvements to the Electrical System, at the Division of Watershed Management, Field Administration Complex, West Boylston, be and hereby is accepted as completed with the exception of construction services.

The Commission further V O T E D: to approve payment, in the amount of $4,455.00.

The Commission further V O T E D: authorization for the Watershed Management Division and the Contract Administrator to negotiate and prepare a contract with Lindgren Associates, P.C., for construction services at the time such contracts proceed to the construction phase, as requested by Messrs. McGinn and Kane in their report of April 22, 1996.

1. Report of Messrs. McGinn and Robert O'Connor, April 24, requesting approval of Amendments to Contract No. WM96-076-S1A, with Berkshire-Pioneer Resource Conservation and Development Area, Inc., for Assistance in Completing Forest Management Plans and Forest Restoration Projects Within the Wachusett Watershed, as follows -

Item No. 1 - Change "Wachusett Watershed" to "MDC Watersheds".

Item No. 2 - Change the budget for forest plans, as follows -

CURRENT ATTACHMENT B	-	**RECOMMENDED AMENDMENT**
10 - 25 acres - $333.00	-	$350.00 (for over 10 acres only)
11 - 25 acres - $333.00	-	$350.00 (+$6.25 for each acre over 10)
26 - 50 acres - $333.00 (+$10.60 for each acre over 25)	-	$350.00 (+$6.25 for each acre over 10)

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(At no increase in Contract cost and no change in time for performance).
The Commission V O T E D: Approved.

Action was taken upon the following Various Matters:

1. Report of Mr. Jewett, April 29, requesting that the Commission amend its vote of November 9, 1995 on MDC Open Order Contract No. RP96-0002, for Watershed Land Acquisition Program FY96 - Professional Real Estate Examination Services Wachusett, Ware River and Quabbin Watershed Areas - Worcester and Franklin Counties, by deleting the award of a Contract, in the amount of $2,900.00 - for Title Examination Services - for three parcels of land to Bennett Title Services, Inc., and substituting Tamagini & Bloomenthal to perform the services at a cost of $6,000.00, which increase the cost from $99,210.00 to $102,310.00.
Mr. Jewett further requests authorization for Commissioner Balfour to execute the new Contract on behalf of the Commission.
Completion date remains - June 30, 1996.
Account No. 2421-9936.
The Commission V O T E D: to amend its vote of November 9, 1995 on MDC Open Order Contract No. RP96-0002, for Watershed Land Acquisition Program FY96 - Professional Real Estate Examination Services Wachusett, Ware River and Quabbin Watershed Areas - Worcester and Franklin Counties, by deleting the award of a Contract, in the amount of $2,900.00 - for Title Examination Services - for three parcels of land to Bennett Title Services, Inc., and substituting Tamagini & Bloomenthal to perform the services at a cost of $6,000.00, which increase the cost from $99,210.00 to $102,310.00.
The Commission further V O T E D: authorization for Commissioner Balfour to execute the new Contract on behalf of the Commission.

2. Report of Mr. Jewett, April 29, on behalf of the Consultant Selection Committee, requesting selection of Goody, Clancy & Associates, for Charles River Basin Master Plan, Contract No. PL92-007-S1A.
Estimated Contract Cost $475,000.00 - subject to negotiations.
Time for Performance - eighteen months.
Account No. 2410-7872.
The Commission V O T E D: Approved as requested by Mr. Jewett in his report of April 29, 1996.

3. Report of Miss Overton, May 1, requesting approval for the Attorney General's Office to enter into a tolling agreement on behalf of the Metropolitan District Commission, concerning the Indian Farm Superfund Site in Canton.
Miss Overton further requests execution of the agreement by the Commission.
The Commission V O T E D: Approval for the Attorney General's Office to enter into a tolling agreement on behalf of the Metropolitan District Commission, concerning the Indian Farm Superfund Site in Canton, as requested by Miss Overton in her report of May 1, 1996.
The Secretary then submitted for signature Tolling Agreement,

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dated May 1, 1996, which was signed by the Commissioner and three Associate Commissioners.
Associate Commissioner Elkort did not participate in discussion nor vote on this matter.

Adjourned at 9:55 a.m., to meet on Thursday, May 9, 1996, at 9:00 a.m.

William J. Crowley
Secretary

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Record of the Three Thousand Seven Hundred and Seventy First (3771st) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, May 9, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort and Wu.

The Records of the Commission Meeting held on April 25, 1996 were read and approved.
Associate Commissioner Elkort noting that she was not at the Commission Meeting of April 25, 1996, abstained from voting on this matter.

The Secretary submitted for signature the following paper which was signed by the Commissioner and three Associate Commissioners:

1. Contract No. P96-1822-M1A, dated May 9, 1996, with Markings, Inc., for Installation of Reflectorized Pavement Markings on Parkways and Roadways of the MDC.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and Arinella, March 21, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P96-1845-M1A, for Maintenance, Service and Repair to HVAC Systems at Various Flood Control/Navigation Sites, FY-1997.
Time for Performance - twelve months.
Estimated Cost - $49,000.00.
Account No. 2440-0010-NN.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P96-1845-M1A, for Maintenance, Service and Repair to HVAC Systems at Various Flood Control/Navigation Sites, FY-1997.

3. Report of Messrs. Faucher and Arinella, Mach 28, submitting for approval, Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P96-1844-M1A, for Service to Underwater Structures at Various Flood Control/Navigation Sites, FY-1997.
Time for Performance - twelve months.
Estimated Cost - $49,000.00.
Account No. 2440-0010-NN.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P96-1844-M1A, for Service to Underwater Structures at Various Flood Control/Navigation Sites, FY-1997.

4. Report of Messrs. Faucher and Arinella, March 28, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P96-1843-M1A, for Service to Hydraulic Power Systems at Various Flood Control/Navigation Sites, FY1997.
Time for Performance - twelve months.

Estimated Cost - $49,000.00.
Account No. 2440-0010-NN.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P96-1843-M1A, for Service to Hydraulic Power Systems at Various Flood Control/Navigation Sites, FY1997.

1. Report of Messrs. Faucher, Brooks and DeLuca, April 19, recommending ratification of the actions of Acting Director Faucher resulting in revisions in quantities on Contract No. P95-1790-M1A, with Allied Weatherproofing Company, Inc., for Service and Repairs to Swimming Pools and Service Buildings, as follows -

Item No. 007-001 -	Technical Service (Plumbers and Tradesman)	- $34,980.00
Item No. 007-002 -	Labor (Apprentices, Laborers, etc.)	- $15,000.00
	Total	- $49,980.00

(Funding from Account No. 2440-0010-NN)
The Commission V O T E D: to ratify the actions of Acting Director Faucher which resulted in revisions in quantities on Contract No. P95-1790-M1A.
The Commission further V O T E D: to approve the revisions in quantities, in the amount of $49,980.00.

2. Report of Messrs. Faucher and Brooks, April 11, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P96-1859-M1A, for Maintenance of Refrigeration Systems Located in Ice Skating Rinks within the Metropolitan Parks System, FY-1997 and FY-1998.
Estimated Cost - FY-1997 - $300,000.00.
FY-1998 - $300,000.00.
Time for Performance - twenty four months.
Account No. 2440-0010-NN - FY-1997.
Account No. 2440-0010-NN - FY-1998.
(Funding for each Fiscal Year contingent upon funds being made available through the annual budgetary appropriation process).
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P96-1859-M1A, for Maintenance of Refrigeration Systems Located in Ice Skating Rinks within the Metropolitan Parks System, FY-1997 and FY-1998.

3. Report of Messrs. Faucher and Haider, March 18, recommending the following on Contract No. P95-1778-C1A, with Ledgewood Construction Company, Inc., for Installation of a 10" Water Line at the Blue Hills Ski Area, Canton -
(a) That work be accepted as completed as of November 15, 1995.
(b) That Estimate No. 3 (Final), in the amount of $30,946.39, be approved for payment.
(c) That reserve, in the amount of $4,872.10, be approved for payment.
(Basis of Award - $71,896.00)
(Amount to Date - $97,442.03)

(Contract Performance Rating - 4.67)
(EEO Compliance - 4.80)
The Commission V O T E D: that the work of Ledgewood Construction Company, Inc., Contractor under Contract No. P95-1778-C1A, be and hereby is accepted as completed as of November 15, 1995.
The Commission further V O T E D: to approve Estimate No. 3 (Final), in the amount of $30,946.39, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $4,872.10, be approved for payment.
Associate Commissioner Elkort did not participate in discussion nor vote on this matter.

1. Report of Messrs. Faucher and Haider, April 12, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P96-1860-M1A, for Maintenance of Elevators at the MDC Headquarters Building.
Estimated Cost - FY-1997 - $15,000.00.
FY-1998 - $15,000.00.
Time for Performance - twenty four months.
Account No. 2440-0010-LL - FY-1997.
Account No. 2440-0010-LL - FT-1998.
(Funding for each Fiscal Year contingent upon funds being made available through the annual budgetary appropriation process).
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P96-1860-M1A, for Maintenance of Elevators at the MDC Headquarters Building.

2. Report of Messrs. Faucher and McCalla, February 27, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P96-1849-M1A, for Maintenance of Prime Power and Emergency Generators at Various Locations.
Estimated Cost - FY-1997 - $40,000.00.
FY-1998 - $40,000.00.
Time for Performance - twenty four months.
Account No. - 2440-0010 - FY-1997.
Account No. - 2440-0010 - FY-1998.
(Funding for each Fiscal Year contingent upon funds being made available through the annual budgetary appropriation process).
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P96-1849-M1A, for Maintenance of Prime Power and Emergency Generators at Various Locations.

3. Report of Messrs. Faucher and Sacco, April 19, recommending rejection of the only bid received, that of Allied Weatherproofing Co., Inc., of $317,075.00, on Contract No. P95-1787-C3B, for Pool Filtration System - Hyde Park, (Olsen Pool). The bid was 27% above the Engineer's estimate. Therefore, the division will have remedial repairs performed and readvertise at close of season.
The Commission V O T E D: to reject the only bid received, that of Allied Weatherproofing Co., Inc., of $317,075.00, on Contract

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No. P95-1787-C3B, for Pool Filtration System - Hyde Park, (Olsen Pool), as recommended by Messrs. Faucher and Sacco in their report of April 19, 1996.
The Commission further V O T E D: to authorize the division to have remedial repairs performed on the Olsen Pool filtration system and readvertise the project at the close of the season.

1. Report of Messrs. Faucher and Soroka, April 23, recommending approval of the request of Coviello Electric and General Contracting Co., Inc., General Contractor on Contract No. P94-1709-M1A, for Servicing Traffic Signals and Control Systems, Charles River Basin Districts, to engage the services of Adgreen Co., Inc., as sub-contractor for Item No. 019-010 - Painting of Traffic Control Devices - at a cost of $5,000.00.
(At no increase in Contract cost).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and McCalla, May 3, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P96-1861-M1A, for Electrical and Electronic Systems Maintenance Work at Sports Facilities, Recreational Areas and MDC Buildings Throughout the Metropolitan District.
Estimated Cost - FY-1997 - $195,000.00.
FY-1998 - $195,000.00.
Time for Performance - twenty four months.
Account No. - 2440-0010 - FY-1997.
Account No. - 2440-0010 - FY-1998.
(Funding for each Fiscal Year contingent upon funds being made available through the annual budgetary appropriation process).
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P96-1861-M1A, for Electrical and Electronic Systems Maintenance Work at Sports Facilities, Recreational Areas and MDC Buildings Throughout the Metropolitan District.

3. Report of Mr. Faucher and Mrs. Graves-Jones, April 25, recommending approval of revisions in quantities on the following items on Contract No. P96-1836-M1A, with Coviello Electric & General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems (Old Colony and Blue Hills Districts) -

Item No. 002-010	**$ 1,101.00**
Materials & Components Parts and Control	
Item No. 003-010	**$ 275.00**
Flashing Traffic Control Device Knockdown Repair	
Item No. 003-020	**$ 2,100.00**
Traffic Signal Knockdown Repair	
Item No. 004-010	**$ 2,350.00**
Labor Rate for Licensed Electrician (Controller Tech)	
Item No. 004-020	**$ 3,000.00**
Labor Rate for Licensed Electrician (Serviceman)	
Item No. 004-030	**$ 2,870.00**
Labor Rate for Helper for Misc. Repair	

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Item No. 005-010 **$ 1,120.00**
Hourly Rate for Vehicle for Misc. Repair
Item No. 006-010 **$ 150.00**
Vehicle Signal Head Single Section 8" Lens
Item No. 006-020 **$ 1,170.00**
Vehicle Signal Head Single Section 12" Lens
Item No. 010-010 **$ 1,160.00**
Traffic Signal Metal Base Octagonal

Total - $15,296.00

Mr. Faucher and Mrs. Graves-Jones further recommend that the Commission approve an additional funding source by authorizing use of Account No. 2440-2000 for the $15,296.00 in revisions.
The Commission V O T E D: to approve the Revisions in Quantities in the amount of $15,296.00.
The Commission further V O T E D: to approve an additional funding source by authorizing use of Account No. 2440-2000 for the $15,296.00 in revisions.

1. Report of Mr. Faucher and Ms. Pomorska, April 25, recommending approval of revisions in quantities on the following items on Contract No. P96-1837-M1A, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic Signals and Control Systems (Middlesex Fells and Revere Beach Districts) -

Item No. 002-010 **$ 2,106.00**
Materials & Components Parts and Controls
Item No. 003-010 **$ 275.00**
Flashing Traffic Control Device Knockdown Repair
Item No. 003-020 **$ 1,050.00**
Traffic Signal Knockdown Repair
Item No. 004-010 **$ 4,700.00**
Labor Rate for Licensed Electrician (Controller Tech)
Item No. 004-020 **$ 4,250.00**
Labor Rate for Licensed Electrician (Serviceman)
Item No. 004-030 **$ 3,535.00**
Labor Rate for Helper for Misc. Repair
Item No. 005-010 **$ 1,500.00**
Hourly Rate for Vehicle Misc. Repair
Item No. 006-020 **$ 1,440.00**
Vehicle Signal Head Single Section 12" Lens
Item No. 007-020 **$ 900.00**
Pedestrian Signal Head Single Section

Total - $19,756.00

Mr. Faucher and Ms. Pomorska further recommend that the Commission approve an additional funding source by authorizing use of Account No. 2440-2000 for the $19,756.00 in revisions.
The Commission V O T E D: to approve the Revisions in Quantities in the amount of $19,756.00.
The Commission further V O T E D: to approve an additional funding source by authorizing use of Account No. 2440-2000 for the $19,756.00 in revisions.

2. Report of Messrs. Faucher and Soroka, April 25, recommending

approval of revisions in quantities on the following items on Contract No. P96-1838-M1A, with Coviello Electric & General Contracting Co., Inc., for Servicing Traffic Signals and Control Systems (Charles River Basin Districts) -

Item No. 002-010	**$ 899.25**
Materials & Components Parts and Controls	
Item No. 003-010	**$ 1,650.00**
Flashing Traffic Control Device Knockdown Repair	
Item No. 003-020	**$ 1,750.00**
Traffic Signal Knockdown Repair	
Item No. 004-010	**$ 2,700.00**
Labor Rate for Licensed Electrician (Controller Tech)	
Item No. 004-020	**$ 3,200.00**
Labor Rate for Licensed Electrician (Serviceman)	
Item No. 004-030	**$ 3,850.00**
Labor Rate for Helper for Misc. Repair	
Item No. 005-010	**$ 530.00**
Hourly Rate for Vehicle Misc. Repair	
Item No. 006-010	**$ 300.00**
Vehicle Signal Head Single Section 8" Lens	
Item No. 006-020	**$ 1,350.00**
Vehicle Signal Head Single Section 12" Lens	
Item No. 007-010	**$ 200.00**
Pedestrian Signal Head Type B	
Item No. 007-020	**$ 600.00**
Pedestrian Signal Head Single Section	
Item No. 008-010	**$ 360.00**
Post Top Mounting 1 Way	
Item No. 008-020	**$ 260.00**
Post Top Mounting 2 Way	
Item No. 009-010	**$ 450.00**
Pedestrian Push Button and Sign	
Item No. 010-010	**$ 1,595.00**
Traffic Signal Metal Base Octagonal	
Item No. 014-010	**$ 194.25**
Traffic Signal Wire (TFF#18)	
Item No. 015-015	**$ 375.00**
Traffic Signal Cable - 15 Conductor	
Item No. 015-021	**$ 19.50**
Traffic Signal Cable - 21 (XHHW#14)	
Item No. 016-010	**$ 150.00**
General Purpose Wire Conductor	
Item No. 019-010	**$ 416.00**
Traffic Control Services	
	Total - $20,849.00

Messrs. Faucher and Soroka further recommend that the Commission approve an additional funding source by authorizing use of Account No. 2440-2000 for the $20,849.00 in revisions.

The Commission V O T E D: to approve the Revisions in Quantities in the amount of $20,849.00.

The Commission further V O T E D: to approve an additional funding source by authorizing use of Account No. 2440-2000 for

the $20,849.00 in revisions.

1. Report of Messrs. Faucher and Soroka, April 30, recommending the following on Contract No. P94-1709-M1A, with Coviello Electric & General Contracting Co., Inc., for Servicing Traffic Signals and Control Systems - Charles River Basin Districts -
(a) That work be accepted as completed as of January 31, 1996.
(b) That Estimate No. 24 (Final), in the amount of $23,385.35, be approved for payment.
(c) That reserve, in the amount of $20,483.37, be approved for payment.
(Basis of Award - $478,462.50)
(Amount to Date - $409,667.27)
(Contract Performance Rating - 4.17)
(EEO Compliance - 4.40)
(Messrs. Faucher and Soroka further request a change in funding source by use of Account No. 2440-2000, in the sum of $15,385.00, to cover expenses caused by this year's severe weather conditions).
At no increase in Contract value.
The Commission V O T E D: that the work of Coviello Electric & General Contracting Co., Inc., Contractor under Contract No. P94-1709-M1A, be and hereby is accepted as completed as of January 31, 1996.
The Commission further V O T E D: to approve Estimate No. 24 (Final), in the amount of $23,385.35, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $20,483.37, for payment.
The Commission further V O T E D: to approve a change in funding source by use of Account No. 2440-2000, in the sum of $15,385.00, to cover expenses caused by this year's severe weather conditions.
Associate Commissioner Wu noted that when evaluating the Contractor's EEO/AA performance that the Affirmative Action/Equal Employment Office, in many instances, uses the terms (N/A) Non/Applicable in the overall matrix for the Contractors rating. By so doing, he stated, the Contractor is not being evaluated properly.
He requested that in the future, that the Equal Employment/ Affirmative Action Office either eliminate the category that would receive the Non/Applicable Rating or give the Contractor an appropriate rating grade.

2. Report of Mr. Faucher and Mrs. Graves-Jones, March 14, recommending the following on Contract No. P94-1752-M1A, with Coviello Electric & General Contracting Co., Inc., for Servicing Traffic Signals and Control Systems, Blue Hills, Old Colony, Middlesex Fells and Revere Beach Districts -
(a) That work be accepted as completed as of January 31, 1996.
(b) That Estimate No. 17 (Final), in the amount of $49,722.67, be approved for payment.
(c) That reserve, in the amount of $32,557.12, be approved for payment.
(Basis of Award - $851,595.00)

(Amount to Date - $651,142.47)
(Contract Performance Rating - 4.17)
(EEO Compliance - 4.40)
(Mr. Faucher and Mrs. Graves-Jones further request a change in funding source by use of Account No. 2440-2000, in the sum of $19,280.00, to cover expenses caused by this year's severe weather conditions).
At no increase in Contract value.
The Commission V O T E D: that the work of Coviello Electric & General Contracting Co., Inc., Contractor under Contract No. P94-1752-M1A, be and hereby is accepted as completed as of January 31, 1996.
The Commission further V O T E D: to approve Estimate No. 17 (Final), in the amount of $49,722.67, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $32,557.12, be approved for payment.
The Commission further V O T E D: to approve a change in funding source by use of Account No. 2440-2000, in the sum of $19,280.00, to cover expenses caused by this year's severe weather conditions.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Robert O'Connor, April 29, on proposals for the purchase of forest products located on the Quabbin, Ware River and Wachusett Watersheds.
The Commission V O T E D: to accept the second highest qualified bid, that of New England Forest Products, of $15,000.00; to purchase approximately 125,060 board feet of timber and 346 cords of firewood on Timber Sale No. 742 - Quabbin Reservoir Watershed.

2. Report of Messrs. McGinn and Robert O'Connor, April 25, on proposals for the purchase of roadside sawlogs located on the Quabbin Reservoir Watershed.
The Commission V O T E D: to accept the highest qualified bid, that of John Conkey & Sons Logging, of $5,690.00; to purchase approximately 41,355 board feet of logs on Roadside Sale No. 49 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of King-Chaffee Enterprise, of $705.00; to purchase approximately 7,595 board feet of logs on Roadside Sale No. 50 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of LeClerc & Son Logging, of $6,133.60; to purchase approximately 32,480 board feet of logs on Roadside Sale No. 51 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Beaman Lumber, of $23,020.00; to purchase approximately 143,879 board feet of logs, 12 cords of firewood and 88 tons of pulp on Roadside Sale No. 52 - Quabbin Reservoir Watershed.

3. Report of Messrs. McGinn and Robert O'Connor, May 2, recommending the following on Contract No. WM95-090-S1A, with the Biology

Department at the University of Massachusetts, for Rare Plant Inventory of the Quabbin Reservoir -
(a) That work be accepted as completed as of December 31, 1995.
(b) That Invoice No. 6 (Final), in the amount of $297.70 be approved for payment.
(Basis of Award - $8,371.00)
(Amount to Date - $7,946.98)
(Contract Performance Rating - 9.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of the Biology Department at the University of Massachusetts, Contractor under Contract No. WM95-090-S1A, be and hereby is accepted as completed as of December 31, 1995.
The Commission further V O T E D: to approve Invoice No. 6 (Final), in the amount of $297.70, for payment.

1. Report of Messrs. McGinn and Vignaly, April 2, submitting Work Schedule, Project Summary and Justification and requesting authorization to advertise Project No. WM96-071-X1A, for Hazardous Material Clean State - Quabbin.
Maximum Obligation - $30,000.00.
Time for Performance - one month.
Account No. 2420-1400- JJ.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. WM96-071-X1A, for Hazardous Material Clean State - Quabbin.

2. Report of Messrs. McGinn and Robert O'Connor, May 3, submitting for approval Wachusett Watershed MDC Public Access Plan.
The Commission V O T E D: Approved.

3. Report of Mr. McGinn, May 3, requesting approval and authorization for the Watershed Management Division to enter into an Agreement with Project WET and the Western Regional Environmental Education Council to enable the Division to serve as the official Commonwealth of Massachusetts sponsor of Project WET for teachers of the Commonwealth of Massachusetts.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization for the Watershed Management Division to enter into an Agreement with Project WET and the Western Regional Environmental Education Council to enable the Division to serve as the official Commonwealth of Massachusetts sponsor of Project WET for teachers of the Commonwealth of Massachusetts.

4. Report of Mr. McGinn, May 6, requesting that the Commission Amend its vote of June 15, 1995, on Service Contract with Sharon E. McGregor for Liaison Services between the Division of Watershed Management and the Commissioner of the MDC with Executive Office of Environmental Affairs, by changing the completion date from June 30, 1996 to June 15, 1996 and transferring the amount of $1,923.75 from the budget labor line to the budget travel line.

All other terms and conditions of the contract shall remain the same.
The Commission V O T E D: to Amend its vote of June 15, 1995, on Service Contract with Sharon E. McGregor for Liaison Services between the Division of Watershed Management and the Commissioner of the MDC with Executive Office of Environmental Affairs, by changing the completion date from June 30, 1996 to June 15, 1996 and transferring the amount of $1,923.75 from the budget labor line to the budget travel line.
The Secretary then submitted for signature Amendment No. 1, dated May 9, 1996, which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following matter relating to the Office of Real Property:

1. Report of Mr. Gray, May 3, requesting approval to expend an additional $80,000.00, within this Fiscal Year, increasing the amount approved by the Commission at its Meeting of September 14, 1995, for Open Order Contract No. RP96-0001, Appraisals for Watershed Land Acquisition and Protection in 1996 - from $650,000.00 to $730,000.00.
Account No. 2421-9936.
The Commission V O T E D: Approved as requested by Mr. Gray in his report of May 3, 1996.

Action was taken upon the following Various Matters:

2. Report of Mr. Jewett, May 3, requesting that the Commission amend its vote of April 25, 1996, on MDC Open Order Contract No. RP96-0003, for Watershed Land Acquisition Program, Land Survey Services, by increasing Parcels to be surveyed by Hub Survey Associates from one to two parcels and increasing the Contract amount from $6,850.00 to $9,940.00 for the services.
Mr. Jewett further requests that Commissioner Balfour be authorized to execute the Amendment on behalf of the Commission.
Time for Performance - Thirty days.
Account No. 2421-9936.
The Commission V O T E D: to amend its vote of April 25, 1996, on MDC Open Order Contract No. RP96-0003, for Watershed Land Acquisition Program, Land Survey Services, by increasing Parcels to be surveyed by Hub Survey Associates from one to two parcels and increasing the Contract amount from $6,850.00 to $9,940.00 for the services.
The Commission V O T E D: to authorize Commissioner Balfour to execute the Amendment on behalf of the Commission.

3. Report of Mr. Jewett, May 3, requesting award of a Contract to Jonathan Finklestein, Esquire, in the sum of $8,000.00, to perform Legal Services Related to Appraisal Valuation as part of Open Order Contract RP96-0001, for Watershed Land Acquisition, Real Estate Appraisal Services, as approved by the Commission at its Meeting of September 14, 1995.
Mr. Jewett further requests that Commissioner Balfour be authorized to execute the Contract on behalf of the Commission.

Time for Performance - Thirty days.
Account No. 2421-9936.
The Commission V O T E D: to approve award of a Contract to Jonathan Finklestein, Esquire, in the sum of $8,000.00, to perform Legal Services Related to Appraisal Valuation as part of Open Order Contract RP96-0001, for Watershed Land Acquisition, Real Estate Appraisal Services, as approved by the Commission at its Meeting of September 14, 1995.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Contract on behalf of the Commission.

1. Report of Mr. Jewett, May 3, requesting approval of Amendments to eight of the fifteen Contracts, as approved by the Commission at its Meeting of November 16, 1995, for Open Order Contract No. RP96-0001, for Appraisals for Watershed Land Acquisition and Protection in 1996, by increasing the value and number of parcels to be appraised, as follows -

NAME	VALUE	PARCELS
Winthrop Real Estate Advisors	$ 39,611.00	13
Reynolds Company	$ 16,830.00	6
Leo M. Flynn	$ 38,350.00	11
Peter S. Emerson & Associates	$ 44,061.00	13
Meredith & Grew, Inc.	$ 10,000.00	3
O'Connor Real Estate Assoc., Inc.	$ 7,900.00	2
G & M Valuation	$ 1,600.00	1
Ellen Harding Anderson	$ 32,000.00	9
Total -	$190,352.00	58

Mr. Jewett further requests that Commissioner Balfour be authorized to execute the Amendments on behalf of the Commission.
Account No. 2421-9936.
The Commission V O T E D: Approved as requested by Mr. Jewett, in his report of May 3, 1996.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Amendments on behalf of the Commission.
Associate Commissioner Wu did not participate in discussion nor vote on this matter.

2. Report of Mr. Jewett, May 7, on behalf of the Consultant Selection Committee, requesting selection of -

Camp Dresser & McKee
Gale Associates
Coneco Environmental
Lord Associates

for Licensed Site Professional Services for Various MDC Contaminated Facilities - Contract No. P95-1768-D1A. Services were authorized by the Commission at its Meetings of December 22, 1994 and November 30, 1995.
Cost of each Contract not-to-exceed $150,000.00 - on a unit price basis.
Time for Performance - Thirty-six months
Account Nos. 2490-8910 and 2441-9952.
Mr. Jewett further requests authorization for Commissioner Balfour to execute the Contracts on behalf of the Commission.
The Commission V O T E D: Approved as requested by Mr. Jewett in his report of May 7, 1996.

The Commission further V O T E D: to authorize Commissioner Balfour to execute the Contracts on behalf of the Commission.

1. Report of Mr. Jewett, May 6, on behalf of the Consultant Selection Committee, requesting selection of Barnes and Jarnis, Inc., for Structural Inspection and Analysis of Certain MDC Ice Skating Rink Roof Systems, Contract No. P96-1857-D1A, as follows -

Connell Memorial Rink and Pool, Weymouth
Reilly Memorial Rink, Brighton
Shea Memorial Rink, Quincy
Veterans Memorial Rink, Somerville
Simoni Memorial Rink, Cambridge

Cost not-to-exceed - $50,000.00 on a cost plus fixed fee basis pursuant to schedules included in the Contract.
Time for Performance - Two months.
Account No. 2440-2000.
The Commission V O T E D: Approved as requested by Mr. Jewett in his report of May 6, 1996.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Contract-Agreement on behalf of the Commission.

2. Report of Mrs. O'Brien, May 3, requesting approval, and authorization for Commissioner Balfour to execute on behalf of the Commission, Interagency Service Agreement (ISA) between the MDC and Mass Highway Department (MHD) regarding transfer of ISTEA Enhancement Funds for Upper Charles River Reservation Restoration Program - Phase IA (Watertown Segment). The executed ISA will enable the transfer of $700,000.00 from MHD to MDC.
The Commission V O T E D: Approved as requested by Mrs. O'Brien in her report of May 3, 1996.
The Commission further V O T E D: to authorize Commissioner Balfour to execute on behalf of the Commission, the Interagency Service Agreement.

Action was taken upon the following matter relating to the Recreational Facilities and Programs Division:

3. Report of Mr. Doak, May 7, submitting for approval and execution an Agreement with Charles River Recreation, Inc., for a Canoe and Kayak Service in the Charles River Basin, in the area of Herter Center, for a two year period starting on May 11, 1996 and ending on October 13, 1997.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Agreement, dated May 9, 1996, with Charles River Recreation, Inc., which was signed by the Commissioner and three Associate Commissioners.

Adjourned at 10:15 a.m., to meet on Thursday, May 16, 1996, at 9:00 a.m.

William J. Cronin
Secretary

Record of the Three Thousand Seven Hundred and Seventy Second (3772nd) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, May 16, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Settles and Wu.

The Records of the Commission Meeting held on May 2, 1996 were read and approved.

The Secretary submitted for signature the following paper which was signed by the Commissioner and four Associate Commissioners:

1. Contract-Agreement No. WM95-011-D1A, with Woodward-Clyde Consultants, for Restoration of the Downstream Areas, Goodnough Dike, Ware.

2. Contract-Agreement P95-1766-X1A, dated May 16, 1996, with Tundra Corporation for Industrial Hygiene, Environmental/Monitoring and Compliance Assistance.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs Faucher and Lespasio, May 8, recommending approval of Extra Work Orders on Contract No. P95-1802-C1A, with D & R Contracting, Inc., for Walkway Improvements Along The MDC Harbor Beaches Between Winthrop, Boston and Quincy, as follows -

Extra Work Order No. 1	**$38,100.00**
Installation of Benches	
Extra Work Order No. 2	**$10,232.33**
Installation of Access Ramp	
	Total - $48,332.33

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 008-010 - Cement Concrete, Item No. 005-010 - Grading, Liming, Fertilizing and Seeding and Item No. 001-010 - Unclassified Excavation).
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $38,100.00.
The Commission further V O T E D: to approve Extra Work Order No. 2, in the amount of $10,232.33.

4. Report of Messrs. Faucher and Sacco, May 9, on bids for Critical Repairs to MDC Swimming Pools and Service Buildings, Contract No. P96-1842-C1B.
(Messrs. Faucher and Sacco recommend acceptance of the lowest bid received that of Allied Weatherproofing Co., Inc., of $149,000.00).
The Commission V O T E D: to accept the lowest bid received that of Allied Weatherproofing Co., Inc., of $149,000.00.

5. Report of Messrs. Faucher and Haider, May 9, recommending approval of a revision in quantities on Item No. 001-010 Preventive Maintenance, Equipment, Parts, Components, Normal Labor, and Hoist, Complete in Place at a cost of $10,000.00, on

Contract No. P95-1813-M1A, with P. H. Mechanical Corp., for Servicing of Heating, Ventilation and Air Conditioning Systems at Various MDC Facilities within the Metropolitan Parks System.
Funding from Account No. 2440-0010.
The Commission V O T E D: to approve the revisions in quantities, in the amount of $10,000.00.

1. Report of Messrs. Faucher, Brooks and Mayhew, May 9, requesting approval of Work Schedule, Project Summary, Project Justification and ratification of the action of Acting Director Faucher in soliciting bids for Project No. P96-1865-C1A, for Demolition of Garage and Bathhouse, Revere.
Time for Performance - Completion no later than July 1, 1996.
Estimated Cost - $80,000.00
Account No. 2440-8952.
The Commission V O T E D: Approved.
The Commission further V O T E D: to ratify the action of Acting Director Faucher in soliciting bids for Project No. P96-1865-C1A, for Demolition of Garage and Bathhouse, Revere.

2. Report of Messrs. Faucher and McCalla, May 13, recommending approval of Alteration No. 1, for a credit to the Commission in the sum of $1,030.00, in payment for two misplaced lighting fixtures, on Contract No. P94-1706-M1A, with Penachio Brothers Electrical Corp., for Maintenance of Street Lighting Systems on Parkways and Roadways.
The Commission V O T E D: to approve Alteration No. 1, for a credit to the Commission in the amount of $1,030.00.

3. Report of Messrs. Faucher and McCalla, May 5, recommending the following of Contract No. P94-1706-M1A, with Penachio Brothers Electrical Corporation, for Maintenance of Street Lighting Systems on Parkways and Roadways -
(a) That work be accepted as completed as of February 29, 1996.
(b) That Estimate No. 25 (Final), in the amount of $19,341.99, be approved for payment.
(c) That reserve, in the amount of $10,567.34, be approved for payment.

(Basis of Award - $581,428.85)
(Amount to Date - $567,138.62)
(Contract Performance Rating - 3.80)
(EEO Compliance - 3.25)

The Commission V O T E D: that the work of Penachio Brothers Electrical Corporation, Contractor under Contract No. P94-1706-M1A, be and hereby is accepted as completed as of February 29, 1996.
The Commission further V O T E D: to approve Estimate No. 25 (Final), in the amount of $19,341.99, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $10,567.34, for payment.

4. Report of Messrs. Faucher and Arinella, May 8, requesting approval of an extension of time from June 30, 1996 to July 31, 1996, on Contract No. P95-1800-M1A, with Rust Utility Service, Inc., for Service to Underwater Structures Flood

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Control/Navigation Sites, pending award of a new Contract.
The Commission V O T E D: to approve an extension of time from June 30, 1996 to July 31, 1996, as requested by Messrs. Faucher and Arinella in their report of May 8, 1996, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

1. Report of Messrs. Faucher and McCalla, May 13, recommending approval of an extension of time from June 30, 1996 to July 31, 1996, on Contract No. P94-1738-M1A, with F M Emergency Generator, Inc., for Maintenance of Prime Power and Emergency Generators Various Location, pending award of a new Contract.
The Commission V O T E D: to approve an extension of time from June 30, 1996 to July 31, 1996, as recommended by Messrs. Faucher and McCalla, in their report of May 13, 1996, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

2. Report of Messrs. Faucher and McCalla, May 13, recommending approval of an extension of time from June 30, 1996 to July 31, 1996, on Contract No. P94-1736-M1A, with Coviello Electric and General Contracting, Co., Inc., for Electrical Maintenance Work at Sports Facilities and Recreational Areas, pending award of a new Contract.
The Commission V O T E D: to approve an extension of time from June 30, 1996 to July 31, 1996, as recommended by Messrs. Faucher and McCalla in their report of May 13, 1996, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

3. Report of Messrs. Faucher and McCalla, May 13, recommending approval of an extension of time from June 30, 1996 to July 31, 1996, on Contract No. P94-1737-M1A, with Coviello Electric and General Contracting Co., Inc., for Electronic and Sound Maintenance and Repair Work at Sports Facilities and Recreational Areas of the Metropolitan District, pending award of a new Contract.
The Commission V O T E D: to approve an extension of time from June 30, 1996 to July 31, 1996, as recommended by Messrs. Faucher and McCalla in their report of May 13, 1996, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Messrs. Faucher and McCalla, May 10, recommending approval of revisions in quantities on Contract No. P94-1736-M1A, with Coviello Electric and General Contracting Co., Inc., for Electrical Maintenance Work, at Sports Facilities and Recreational Areas of the Metropolitan District, as follows.
Item No. 001-010-Hourly Labor Rate for Licensed Electrician - $10,500.00
Item No. 003-010-Hourly Rate for Vehicle - $ 2,000.00

Item No. 005-010-Materials - $ 7,500.00
Total $20,000.00
Funding from Account No. 2440-0010.
The Commission V O T E D: to approve the revisions in quantities, in the amount of $20,000.00.

1. Report of Messrs. Faucher and Arinella, May 8, requesting approval of an extension of time from June 30, 1996 to July 31, 1996, on Contract No. P95-1799-M1A, with Balfour Engineering Co., Inc., for Service to Hydraulic Power Systems Flood Control/Navigation Sites, pending award of a new Contract.
The Commission V O T E D: to approve an extension of time from June 30, 1996 to July 31, 1996, as requested by Messrs. Faucher and Arinella in their report of May 8, 1996, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

2. Report of Messrs. Faucher and Arinella, May 8, requesting approval of an extension of time from June 30, 1996 to July 31, 1996, on Contract No. P94-1740-M1A, with P. J. Kennedy and Sons, Inc. for Service to HVAC Systems Flood Control/Navigation Sites, pending award of a new Contract.
The Commission V O T E D: to approve an extension of time from June 30, 1995 to July 31, 1996, as requested by Messrs. Faucher and Arinella in their report of May 8, 1996, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

Action was taken upon the following Various Matters:

3. Report of Mr. Jewett, May 9, requesting that the Commission amend its vote of September 14, 1995, on Open Order Contract No. RP96-0001, for Watershed Land Acquisition, Real Estate Engineering Services with Christopher White Associates, by increasing the value of the Contract from $24,500.00 to $33,000.00, and increasing the number of parcels to be engineered from 3 to 4.
Mr. Jewett further requests that Commissioner Balfour be authorized to execute the Amendment on behalf of the Commission.
Account No. 2421-9936.
The Commission V O T E D: to amend its vote of September 14, 1995, on Open Order Contract No. RP96-0001, for Watershed Land Acquisition, Real Estate Engineering Services with Christopher White Associates, by increasing the value of the Contract from $24,500.00 to $33,000.00, and increasing the number of parcels to be engineered from 3 to 4.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Amendment on behalf of the Commission.

4. Report of Mr. Jewett, May 9, requesting that the Commission amend its vote of February 29, 1996 on MDC Open Order Contract No. RP96-0004, for Park Land Acquisition, Real Estate Appraisal Services with Eric Reenstierna & Associates, by correcting the

value of the services to be performed to read $3,720.00, rather than $3,100.00.
Funds are available in Account No. 2441-9886.
The Commission V O T E D: to amend its vote of February 29, 1996 on MDC Open Order Contract No. RP96-0004, for Park Land Acquisition, Real Estate Appraisal Services with Eric Reenstierna & Associates, by correcting the value of the services to be performed to read $3,720.00, rather than $3,100.00.

1. Report of Mr. Jewett, May 9, requesting that the Commission amend its vote of August 31, 1995, on Open Order Contract No. RP96-0004, for Real Estate Appraisal Services with Leo M. Flynn, by increasing the value relating to the acquisition of the Hancock Woods parcel in the West Roxbury District of the City of Boston, by increasing the value of the Contract from $19,000.00 to $25,650.00.
Mr. Jewett further requests that Commissioner Balfour be authorized to execute the Amendment on behalf of the Commission.
Account No. 2441-9886.
The Commission V O T E D: to amend its vote of August 31, 1995, on Open Order Contract No. RP96-0004, for Real Estate Appraisal Services with Leo M. Flynn, by increasing the value relating to the acquisition of the Hancock Woods parcel in the West Roxbury District of the City of Boston, by increasing the value of the Contract from $19,000.00 to $25,650.00.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Amendment on behalf of the Commission.

2. Report of Mr. Jewett, May 9, requesting approval of a Contract with Relocation Consultants, in the sum of $29,000.00, to provide Professional Real Estate Relocation Services as part of Open Order Contract No. RP96-0001, for Watershed Land Acquisition, Real Estate Relocation Services, as authorized by the Commission its Meetings of September 14, 1995 and May 9, 1996.
Mr. Jewett further requests that Commissioner Balfour be authorized to execute the Contract on behalf of the Commission.
Account No. 2421-9936.
Time for Performance - Thirty days.
The Commission V O T E D: Approved.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Contract on behalf of the Commission.

3. Report of Miss Adams, May 10, requesting that the Commission amend its vote of January 18, 1996, on Contract with Pandemonium Designs, for Green Ribbon Commission Report, by increasing compensation from $22,900.00 to $29,810.00, due to the need for additional work on the Contract.
Account No. 2410-7872.
Miss Adams further requests that Commissioner Balfour be authorized to execute the Amendment on behalf of the Commission.
The Commission V O T E D: to amend its vote of January 18, 1996, on Contract with Pandemonium Designs, for Green Ribbon Commission Report, by increasing compensation from $22,900.00 to $29,810.00, due to the need for additional work on the Contract, as requested by Miss Adams in her report of May 10, 1996.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Amendment on behalf of the Commission.

Action was taken upon the following matter relating to the Office of Real Property:

1. Report of Mr. Gray, May 9, recommending that the Commission adopt an Order of Taking for the acquisition of approximately 7.7 acres of land owned by Shirley M. Chevalier, et al, Trustees, located in the Town of West Boylston, Massachusetts, and to approve an award of damages in the amount of $90,000.00, together with such damages and costs as required under General Laws Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for the acquisition of approximately 7.7 acres of land owned by Shirley M. Chevalier, et al, Trustees, located in the Town of West Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, May 16, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of West Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying northerly of Franklin Street and westerly of Route 12 bounded and described as follows:

Beginning at a point in Worcester Street at State Highway Route 12 in said West Boylston, said point being about 25 feet west of the center line of the Worcester Consolidated Street Railway Company's tracks formerly leading from Worcester to Fitchburg;

Thence S. 35° W. by said State Highway Route 12 about 400 feet to a point which is about 25 feet west of the aforesaid center line of the said Worcester Street Railway Company's tracks, said point being in a stone wall;

Thence S. 54° 32′ W. about 114 feet along a stone wall to a point;

Thence S. 54° 44′ W. along the stone wall about 107 feet to a point;

Thence N. 79° 25′ W. about 97 feet along said wall to a point;

Thence S. 43° 49′ W. about 223 feet along a stone wall to a point;

Thence N. 48° 12′ W. about 1064 feet along a stone wall to a point;

Thence N. 71° 48′ E. about 942 feet along a stone wall to a point;

Thence S. 9° 16′ E. about 300 feet to a point;

Thence S. 84° 20′ E. about 183 feet to a point in a stone wall;

Thence S. 11° 54′ E. about 138 feet along a stone wall to a point;

Thence N. 76° 50′ E. about 297 feet through a stone bound to a point;

Thence southerly along Worcester Street to the point of beginning.

Said tract contains about 15.5 acres.

Excepting and reserving therefrom those lots of land bounded and described in the following deeds from Edgar P. Neal et al and recorded in Worcester District Registry of Deeds:

To Ida V. Sheldon, November 10, 1918, Book 2119, Page 219;
Charles F. Boynton, May 23, 1923, Book 2300, Page 147;
Charles H. Reed et ux, August 26, 1932, Book 2571, Page 21;
Fordyce S. Harsh et ux, February 7, 1940, Book 2763, Page 7;
Harold W. Lindberg et ux, September 9, 1940, Book 2791, Page 302;
Ernest O. Mattson et ux, September 9, 1940, Book 2791, Page 500;
Ernest O. Mattson et ux, June 8, 1946, Book 3018, Page 450;
Stephen A. Smedberg et ux, September 9, 1940, Book 2802, Page 347
Jacqueline W. Hubbard, October 29, 1941, Book 2838, Page 449;
Marshall H. Smith, October 29, 1941, Book 2840, Page 494;
Marshall H. Smith, November 16, 1945, Book 2993, Page 151;
Sadie Z. Hendrickson, September 9, 1942, Book 2853, Page 292;
Fordyce S. Marsh et ux, December 9, 1943, Book 2905, Page 191;
Harold W. Lindberg et ux, April 11, 1945, Book 2950, Page 193;
Stephen A. Smedberg et ux, April 24, 1945, Book 2955, Page 405;
Henry E. Carlson et ux, July 2, 1943, Book 3009, Page 593;
Norman B. Hartwell et ux, March 12, 1946, Book 3013, Page 399;
William H. Hubbard, December 2, 1948, Book 3184, Page 207; and
Wallace H. Baldarelli, May 17, 1951, Book 3348, Page 303.

Also excepting therefrom the following premises conveyed by Marie A. Wood and Joanne T. Wood, husband and wife, to: West Boylston Insurance Agency, Inc. by deed dated June 22, 1955 and recorded in Book 3817, Page 164, see plan book 220, plan 14; and to Robert D. Gould et ux by deed dated January 8, 1962 and recorded in Book 4254, Page 238.

Containing 7.70 acres, more or less, shown upon a plan entitled "Plan of Land Owned by the Worcester Cons. St. Ry. Co., West Boylston, MASS." prepared by Office of Engr. M. of W., dated June 1915, and recorded with Worcester District Registry of Deeds, as Plan 18, in Plan Book 27; and also upon a plan entitled "Plan of Lots E.P. Neal, West Boylston, Mass" and recorded with said Deeds as Plan 12, in Plan Book 40.

The Commission hereby expressly reserves a right of access and egress to Lot 32 of the plan entitled "Plan of Lots E.P. Neal, West Boylston, Mass" referenced above, on behalf of the Commonwealth of Massachusetts, to and from West Boylston Street, whichever is used for said purposes, being the same premises formerly of Ida V. Sheldon as referenced in a deed dated November 10, 1918 and recorded with said Deeds at Book 2119, Page 219, now or formerly of Arron Goodale, III as referenced in a deed dated September 26, 1989 and recorded with said Deeds at Book 12358, Page 1.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Franklin and West Boylston Streets which may be held by the supposed owners, as a result of their ownership of the above described property, and being the same premises described in a Sheriff's deed from Frederick T. Layden, a Deputy Sheriff of Worcester County, to Shirley M. Chevalier and Raymond A. Chevalier, Jr. Trustees of "Shirley Realty Trust" dated July 15, 1986 and recorded with Worcester County South District Registry of Deeds at Book 9855, Page 315.

The above described property is represented upon West Boylston Assessors Tax Map 148 as Parcel 74.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land, not expressly taken or reserved herein.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Shirley M. Chevalier and Raymond A. Chevalier, Jr., Trustees of Shirley Realty Trust	$ 90,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $90,000.00, together with such damages and costs as required under General Laws Chapter 79, Sections 6, 12, 39 and 44A.

Adjourned at 10:15 a.m., to meet on Thursday, May 23, 1996, at 9:00 a.m.

S e c r e t a r y

Record of the Three Thousand Seven Hundred and Seventy Third (3773rd) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, May 23, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meeting held on May 9, 1996 were read and approved.

Action was taken upon the following matters relating to the Engineering and Construction Division:

1. Report of Miss Overton and Messrs. Faucher and Orfant, May 14, requesting approval of an Amendment to the construction cost estimate which will result in an increase from $50,000.00 to $90,000.00, on the construction cost of Project No. P95-1839-C1A, for George's Island Picnic Pavilion.
Miss Overton and Messrs. Faucher and Orfant further request authorization for the Technical Services Division to advertise for construction Project No. P95-1839-C1A, Boston Harbor Beaches - George's Island Picnic Pavilion.
Funding from Account No. 2440-8956.
Associate Commissioner Carr noted that Mr. Orfant, in his memo of May 14, explained that he original report with the cost estimate for the project, as prepared by the firm of DeCastro/Nelson, was set at $50,000.00.
He questioned whether the DeCastro/Nelson report had short-comings and therefore, led to the increase of $40,000.00 for the project.
As Mr. Orfant was not present when the item was discussed, Associate Commissioner Carr requested that after checking with Mr. Orfant, if it is found that the report was inadequate, that a statement be prepared and placed in the firm's file, for future reference, noting their inadequacy on this Project.
The Commission V O T E D: to approve an Amendment to the construction cost estimate resulting in an increase from $50,000.00 to $90,000.00, on the construction cost of Project No. P95-1839-C1A, for George's Island Picnic Pavilion, as requested by Miss Overton and Messrs. Faucher and Orfant in their report of May 14, 1996.
The Commission further V O T E D: to authorize the Technical Services Division to advertise for construction Project No. P95-1839-C1A.

2. Report of Mr. Faucher and Miss Peterson, May 17, recommending approval of the request of the Middlesex Corporation/Middlesex Paving/Middlesex Bituminous Products/ Middlesex, Inc.,/Middlesex Materials Corporation, General Contractor on Contract No. P82-1054-C1A, for Repair of Charles Circle Bridges #57A and #57B, to engage the services of C.F.P. Construction, Inc., as subcontractor for Installation of Granite Facing Stones on Abutment and Piers, at a cost of $9,360.00.
(At no additional cost to the Commission).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher and Machado, May 14, recommending approval of revisions in quantities on the following items on Contract No. P95-1801-C1A, with T. L. Edwards, Inc., for Resurfacing of MDC Parkways at Various Locations Throughout the Metropolitan District -

Item No. 020-010 **$10,000.00**
Traffic Signal Detector Loops
Item No. 022-010 **$ 2,700.00**
Temporary Pavement Markings 4" Painted
Total - $12,700.00

(At no increase in Contract cost at the revisions will be offset by unused quantities in Item No. 021-010 - Traffic Control Services and Item No. 022-010 - Cement Concrete in Front of Edgestone).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and Machado, May 15, recommending approval of revisions in quantities on the following items on Contract No. P95-1801-C1A, with T. L. Edwards, Inc., for Resurfacing of MDC Parkways at Various Locations Throughout the Metropolitan District -

Item No. 002-010 **$ 9,000.00**
0" - 4" Cold Planing
Item No. 007-010 **$28,600.00**
Bituminous Concrete
Item No. 016-010 **$ 2,900.00**
4" Reflectorized Pavement Markings
(Thermoplastic)
Total - $40,500.00

Funding from Account No. 2440-8956.
The Commission V O T E D: Approved.

Action was taken upon the following Various Matters:

3. Report of Mr. Driscoll, May 17, requesting renewal of a permit to Charles/West Boat Lines (C/WBL) for Operation of a boat tour service in the Charles River Lakes District (Waltham, Newton and Weston, for the 1996-1997-1998 operating seasons - May 1 to October 31 of each season).
Mr. Driscoll further requests that the Commission waive all, or $420.00 of the fee of $450.00, owed to the Commission for the 1995 season, due to tours conducted by C/WBL on behalf of the MDC, associated with the weed harvesting program. Compensation to the Commission shall be 1% of gross receipts or $450.00, whichever is greater.
The Commission V O T E D: to approve renewal of a permit to Charles/West Boat Lines (C/WBL) for Operation of a boat tour service in the Charles River Lakes District (Waltham, Newton and Weston, for the 1996-1997-1998 operating seasons - May 1 to October 31 of each season, with compensation to the Commission in the amount of 1% of the gross receipts or $450.00, whichever amount is greater.
The Commission further V O T E D: to waive the fee of $450.00, owed to the Commission for the 1995 season, due to tours conducted by C/WBL on behalf of the MDC, associated with the weed harvesting program.

1. Report of Mr. Jewett, May 20, on behalf of the Consultant Selection Committee, requesting selection of Aquatic Control Technology, Inc., for Charles River Lakes District Mechanical Weed Harvesting Program, Project No. PL96-040-D1A.
Compensation shall not exceed $55,000.00 and shall be paid on a unit price basis.
Time for Performance - estimated at seven months.
Account No. 2410-7872.
The Commission V O T E D: Approved.

2. Report of Mr. Jewett, May 17, on behalf of the Proposal Review Committee, recommending the selection of Preferred Parking Company, Inc., for Management and Operation of the Nantasket Beach Reservation Parking Lots for the 1996, 1997 and 1998 beach seasons.
Compensation will be - $52,000.00 for the 1996 beach season
$58,000.00 for the 1997 beach season
$62,000.00 for the 1998 beach season
for a total of $172,000.00 for the three beach seasons.
(The Commission is further requested to execute the Permit).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Permit, dated May 23, 1996, with Preferred Parking Company, Inc., for Management and Operation of the Nantasket Beach Reservation Parking Lots for the 1996, 1997 and 1998 beach seasons, which was signed by the Commissioner and three Associate Commissioners.

3. Report of Mr. Doak, May 16, submitting for approval and execution Agreement between the Metropolitan District Commission and The Publick Theatre, Inc., for the purpose of providing a cultural experience at The Publick Theatre, Inc., 1175 Soldiers Field Road, Brighton, commencing on May 31, 1996 and running through September 30, 1996 and then recommencing on June 1, 1997 and ending on September 30, 1997.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Agreement, dated May 23, 1996, between the Metropolitan District Commission and The Publick Theatre, Inc., for the purpose of providing a cultural experience at The Publick Theatre, Inc., 1175 Soldiers Field Road, Brighton, which was signed by the Commissioner and three Associate Commissioners.

4. Report of Mr. Doak, May 16, submitting for approval and execution Management Agreement between the Metropolitan District Commission and the Harry McDonough Sailing Center, Inc., to operate a sailing and boating program at Pleasure Bay, South Boston, from June 30, 1996 to September 1, 1996.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Management Agreement, dated May 23, 1996, between the Metropolitan District Commission and the Harry McDonough Sailing Center, Inc., which was signed by the Commissioner and three Associate Commissioners.

5. Report of Mr. Jewett, May 21, on behalf of the Proposal Review

Committee, recommending selection of Preferred Parking Company, Inc., for Management and Operation of the Nahant Beach Reservation Parking Lot for the 1996, 1997 and 1998 beach seasons.
Compensation to the Commission will be

1996 beach season - $ 74,000.00
1997 beach season - $ 75,000.00
1998 beach season - $ 76,000.00
for a three year season total of - $225,000.00

(The Commission is further requested to execute the Permit).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Permit, dated May 23, 1996, with Preferred Parking Company, Inc., which was signed by the Commissioner and three Associate Commissioners.

1. Report of Mrs. O'Brien, May 22, relative to Boston Duck Tours requests for -
(1) Renewal of the Permit for use of Land Boulevard, Longfellow Bridge, Gilmore Bridge and Harvard Bridge for the operation of sightseeing vehicles for carriage of passengers for hire until April 30, 1997.
(2) Approval of the addition of four new Ducks to the fleet bringing the total to eleven.
(3) Confirmation that the Permit requirement of the June 1994 Permit set forth in paragraph 16 and 17 have been met.
(4) Clarification of the process for planning with Boston Duck Tours in the new Charles River Basin.

Associate Commissioner Carr asked for further clarification of exactly what Boston Duck Tours (BDT) was seeking in their request.
Mrs. O'Brien explained that under terms of their permit, issued in June 1994, and in particular paragraphs 16 and 17, Boston Duck Tours (BDT) is required to provide the Commission with specific information regarding names of those individuals with a 1% or more interest in the partnership; names of General Partners; names of operators; scheduled and information concerning the operation; number of trips dedicated to educational purposes and an audited financial statement showing income expenses, profit and/or loss.
After receipt of the information, she explained, a meeting will be held with MDC, CRWA and others if it is decided that issues relative to the operation in the Charles River Basin must be discussed.
Mrs. O'Brien then explained that BDT was asking for confirmation of the process the MDC would use to find a new site in the Basin when work starts at Northpoint. Mrs. O'Brien then noted that the Commission made a commitment to do this, but did not give an assurance that it would definitely be able to find a new site - under terms of section 6 of the permit.
On questioning by Associate Commissioner Carr for further clarification, Mrs. O'Brien stated that the process for attempting to find a new location on the Charles River for "Duck" entry will begin in the late Summer or early Fall when the Northpoint Park area Design Project commences.

Associate Commissioner Carr then spoke of his concerns regarding the increase in the number of ducks travelling over MDC roads and bridges. He stated that this matter should be given serious consideration for any future permits issued for this type of activity on Commission property.
Mrs. O'Brien then pointed out that its getting to a point where a "Duck" is entering/leaving the Charles River nearly every five minutes.
Associate Commissioner Settles stated that the compensation to the MDC should be reevaluated. He noted that BDT had a most successful first year and with an increase in the number of Ducks to be utilized for the 1996 season, BDT's profits will increase proportionately. Therefore, BDT's compensation to the MDC for the 1997 season should be reevaluated prior to the start of that season.
The Commission V O T E D: Renewal of the Permit for use of Land Boulevard, Longfellow Bridge, Gilmore Bridge and Harvard Bridge.
The Commission further V O T E D: Authorization for Secretary Chisholm to prepare and execute the Permit on behalf of the Commission.
The Commission further V O T E D: Approval of the addition of four new "Ducks" to the fleet - bringing the total to eleven.
The Commission further V O T E D: that the Permit requirement of the June 1994 Permit as set forth in paragraph 16 and 17 have been met.
The Commission then requested that Mrs.O'Brien and staff continue discussions of the planning process for the New Charles River Basin with Boston Duck Tours for a new point of entry into the Basin, as provided in paragraph 6 of the Boston Duck Tours Permit.

The following matter was placed on the agenda for the information of the Commission:

1. The following schedules were approved for payment by the Commissioner during the period from March 1, 1996 to March 31, 1996.

Expenditures $2,432,806.30

Adjourned at 10:15 a.m., to meet on Thursday, May 30, 1996, at 9:00 a.m.

William J. Chisholm
Secretary

Record of the Three Thousand Seven Hundred and Seventy Fourth (3774th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, May 30, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr, Settles and Wu.

The Records of the Commission Meeting held on May 16, 1996 were read and approved.

Action was taken upon the following matter relating to the Engineering and Construction Division:

1. Report of Messrs. Faucher and Lespasio, May 17, recommending approval of the request of the Contractor for an extension of time from June 30, 1996 to September 30, 1996, on Contract No. P95-1802-C1A, with D & R General Contracting, Inc., for Improvements Along the MDC Harbor Beaches From Winthrop to Quincy, due to need for additional work.
(At no increase in Contract cost).
The Commission V O T E D: to approve an extension of time from June 30, 1996 to September 30, 1996, as recommended by Messrs. Faucher and Lespasio in their report of May 17, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

Action was taken upon the following Various Matters:

2. Report of Mr. Jewett, May 23, requesting award of a Contract to Relocation Consultants, in the sum of $17,000.00 - (for three parcels) - on MDC Open Order Contract No. RP96-0004, Real Estate Relocation Services, as approved by the Commission at its Meetings of August 31, 1995, February 29, 1996 and April 25, 1996.
Mr. Jewett further requests that Commissioner Balfour be authorized to execute all Contract documents on behalf of the Commission.
The Commission V O T E D: to award a Contract to Relocation Consultants, in the sum of $17,000.00 - (for three parcels) - on MDC Open Order Contract No. RP96-0004, Real Estate Relocation Services, as requested by Mr. Jewett in his report of May 23, 1996.
The Commission further V O T E D: to authorize Commissioner Balfour to execute all Contract documents on behalf of the Commission.

3. Report of Messrs. Iovanna and Brown and Mrs. Dyett, May 28, requesting approval and execution of Contract-Agreement with the Greater Boston YMCA, Dorchester Family YMCA, Melrose YMCA, Lynn Family YMCA and the South Boston Boys and Girls Club for Lifeguard Training and Certification, to prepare young adults ages 16 to 21 to qualify and compete for seasonal lifeguard positions with the MDC.
Contract cost - not to exceed $24,500.00.

(Dorchester Family YMCA - $10,500.00.
Lynn YMCA - $10,000.00.
Melrose YMCA - $2,000.00.
South Boston Boys and Girls Club - $2,000.00)
Time for Performance - completion by June 30, 1996.
Account No. 2440-0010.
The Commission V O T E D: Approved.
Secretary Chisholm explained that the Contract-Agreement did not arrive in time for Commission execution. Noting the importance of executing the Contract-Agreement as soon as possible, he requested that Commissioner Balfour be authorized to execute the document on behalf of he Commission once it has been received.
The Commission V O T E D: Approved.

1. Report of Miss Overton and Messrs. Faucher and Orfant, May 23, recommending award of contract No. P96-1826-C1A, for Boston Harbor Beaches Early Resanding Program at Pleasure Bay and Wollaston Beach to Ledgewood Construction Co., Inc., with a low bid of $423,200.00.
(Miss Overton and Messrs. Faucher and Orfant further request that the Commission execute the Contract).
Account No. 2440-8956.
The Commission V O T E D: to accept the lowest bid, that of Ledgewood Construction Co., Inc., of $423,200.00, for Contract No. P96-1826-C1A, for Boston Harbor Beaches Early Resanding Program at Pleasure Bay and Wollaston Beach.
The Secretary then submitted for signature Contract No. P96-1826-C1A, dated May 30, 1996, with Ledgewood Construction Co., Inc., which was signed by the Commissioner and three Associate Commissioners.

2. Report of Miss Overton, May 24, requesting approval for the development of an Interagency Service Agreement (ISA) between the Department of Environmental Management and the Metropolitan District Commission as a Component of the Back to the Beaches Program.
Miss Overton further requests authorization for Commissioner Balfour to execute the ISA on behalf of the Commission.
Cost - not-to-exceed - $178,000.00
Time for Performance - July 1, 1996 to June 30, 1997
Account No. 2440-8956.
The Commission V O T E D: to approve an Interagency Service Agreement (ISA) between the Department of Environmental Management and the Metropolitan District Commission as a Component of the Back to the Beaches Program, as requested by Miss Overton in her report of May 24, 1996.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the ISA on behalf of the Commission.

3. Report of Miss Overton and Mr. McGinn, May 16, recommending approval of the development of an employment Contract with Ronald E. Sharpin as the Wastewater Program Manager for the Division of Watershed Management.
Time for Performance - July 1, 1996 through June 30, 1997.
Maximum Obligation - $50,000.00
Account No. 2420-1400.
The Commission V O T E D: Approved.

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Action was taken upon the following matter relating to the Office of Planning:

1. Report of Mrs. O'Brien, May 24, submitting for approval and execution Amendment to Contract-Agreement with Alan H. Mountjoy for Planning Services, MDC Planning Office, which provides for an extension of time from June 30, 1996 to August 31, 1996. (At no increase in Contract-Agreement cost).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated May 30, 1996, with Alan H. Mountjoy, which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following matters relating to the Office of Real Property:

1. Report of Mr. Gray, May 24, recommending that the Commission adopt an Order of Taking for acquisition of approximately 162.11 acres of land owned by Anthony B. Listowich, et al, Trustees, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $450,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 162.11 acres of land owned by Anthony B. Listowich, et al, Trustees, located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, May 30, 1996

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Sterling, County of Worcester and Commonwealth of Massachusetts, namely:

Two certain parcels of land in the said Town of Sterling, the first lying on the westerly side of Redemption Rock Trail - Route 140, and on the easterly side of Johnson Road, between the said roads immediately north of their intersection, the second lying westerly of and off of Johnson Road west of the first mentioned parcel, more particularly bounded and described as follows:

Parcel 1

Beginning at a point on a stone wall on the westerly line of Redemption Rock Trail, at land, now or formerly, of Arthur W. & Dorothy A. French, being the northeasterly corner of the parcel herein being described;

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Thence By the westerly line of Redemption Rock Trail and a curve with a radius of 900.00 feet, an arc distance of 179.31 feet to a point;

Thence S. 12° 37′ 00" W., by the highway, 525.34 feet to a point at the northerly end of a stone wall;

Thence S. 13° 09′ 05" W., by the wall and the highway, 463.85 feet to a point at the end of the wall;

Thence S. 08° 45′ 00" W., by the highway, a wire fence, and partially by a stone wall, 209.82 feet to a point of curvature in the wall;

Thence By the intersection of the highways and a curve with a radius of 13.00 feet, an arc distance of 37.07 feet, to a point on the wall;

Thence N. 07° 51′ 31" W., by the wall and the easterly line of Johnson Road, 34.45 feet to a point;

Thence N. 00° 29′ 13" W., by the wall and the highway, and crossing a gap in the wall, 457.63 feet to a point at the northerly end of a wall segment;

Thence N. 00° 22′ 01" W., crossing the gap and running by the wall and the road, 387.12 feet to a point in the wall;

Thence N. 02° 06′ 19" W., by Johnson Road and the wall, 89.14 feet to a point at the end of the wall, at land, now or formerly, of Ronald G. & Deborah S. Aseltine;

Thence N. 61° 54′ 46" E., 100.00 feet to a point, at or near the corner post of a wire fence;

Thence N. 02° 06′ 19" W., along a wire fence, and partially along a stone wall, 200.00 feet to a point on a stone wall, at land, now or formerly, of French, the last two courses being by land, now or formerly, of Aseltine;

Thence N. 60° 01′ 27" E., by the stone wall, and land, now or formerly, of French, 268.92 feet to a point at the northeasterly end of the wall, on the westerly side line of Redemption Rock Trail, being the point and place of beginning.

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Containing 191,692 square feet, or 4.40 acres, as shown as Parcel P1-1 upon a two sheet set of survey plans referenced within this instrument at the conclusion of the description of Parcel 2.

The above described parcel is represented upon Sterling Assessors Tax Map 55 as Parcel 13.

Parcel 2

Beginning at a concrete MDC bound set at a corner, at a point on the Town Line between Sterling and Holden and land, now or formerly, of Generoso Maffei and of Einar B. & Harry Friedberg, being the northwesterly corner of the parcel being described, and lying S. 07° 21′ 25" E. 456.18 feet from the Town Line Monument found on the southeasterly line of the highway known as Holden Road in Sterling, and as Sterling Road in Holden;

Thence N. 60° 04′ 49" E., 2532.65 feet to another concrete MDC bound set near a corner of lands, now or formerly, of Generoso Maffei and of Arthur W. & Dorothy A. French, this course being almost entirely by land, now or formerly, of Maffei, but fractionally, by land, now or formerly, of French;

Thence N. 61° 44′ 53" E., by a treeline, 1180.54 feet to another MDC bound set at the northeast corner of the premises being described;

Thence S. 30° 57′ 21" E., 716.76 feet, passing through a group of trees, to an iron pin in a ledge outcrop, at another corner;

Thence N. 61° 11′ 33" E., 626.43 feet, by the remains of a stone wall, and the treeline to a point at other land of Listowich, the last three courses being by land, now or formerly, of French;

Thence S. 20° 45′ 28" W., 428.19 feet, partially by a stone wall segment, to a point on the wall;

Thence S. 14° 33′ 26" W., 699.43 feet, crossing to a point on another wall segment;

Thence S. 00° 11′ 10" E., 328.83 feet to a point at a corner of stone walls, at land, now or formerly, of Sterling Heights Builders, Inc. (Birch Drive Subdivision), the last three courses being by other land of Listowich;

Thence S. 56° 22′ 15" W., 106.84 feet, to a point;

Thence S. 56° 50′ 38" W., 164.48 feet, to a point at the easterly end of a stone wall;

Thence S. 55° 15′ 59" W., by the wall and crossing Scanlon Brook, 450.12 feet to a marked tree;

Thence S. 57° 19′ 54" W., by the treeline, 651.09 feet, to an MDC concrete bound set at a corner;

Thence S. 26° 01′ 39" E., by the treeline, 418.60 feet to a marked tree, at a corner;

Thence S. 60° 02′ 26" W., by the treeline, 493.67 feet, to an iron pipe found at the westerly side of a tree;

Thence S. 59° 29′ 51" W., 201.33 feet, to another iron pipe found;

Thence S. 60° 11′ 16" W., 223.99 feet, to a point at the easterly end of a segment of stone wall;

Thence S. 60° 36′ 54" W., 333.30 feet, by the stone wall, to a corner of walls, at property, now or formerly, of George & Joseph Kristoff;

Thence N. 31° 03′ 39" W., 1600.41 feet, by the treeline and remnants of stone wall, recrossing Scanlon Brook, to a point at the easterly end of a stone wall, at a corner;

Thence S. 60° 38′ 36" W., by the stone wall, recrossing Scanlon Brook, 980.82 feet, through a line of trees, to a point on the Town Line, the last two courses being by land, now or formerly, of George and Joseph Kristoff;

Thence N. 07° 21′ 25" W., by the Town Line, and land, now or formerly, of Friedberg, 770.00 feet, to the first mentioned bound, being the point and place of beginning.

Containing 6,869,984 square feet, or 157.71 acres, as shown as Parcel P1-2 upon a two sheet set of Survey Plans entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, Sterling (Worcester County) MA., Land Taking Plan For Watershed Protection", prepared by Greenman-Pedersen,Inc., dated June 25, 1993, which plans shall be recorded with the Worcester District Registry of Deeds, and made a part of this order.

The second above described parcel is represented upon Sterling Assessors Tax Maps as all of Parcels 13 and 14 on Map 54, and a portion of Parcel 4 on Map 55.

Meaning and intending to take hereby a watershed preservation restriction and conservation easement in, on and to the above premises, howsoever the same may be bounded and described, and being a portion of the premises described in a deed from Alice R. Listowich, et als, to Alice R. Listowich, et als, Trustees of the Listowich Farm Trust, dated August 27, 1991, and recorded with the Worcester District Registry of Deeds in Book 13609, Page 22, and in a deed from Henry F. Listowich to Alice R. Listowich, et als, Trustees of the Listowich Farm Trust, dated August 27, 1991, and recorded with said Deeds in Book 13609, Page 24.

The aforementioned parcels are supposed to be owned by the following owners:

OWNERS	RESTRICTION AREA TAKEN
Anthony B. Listowich and Henry F. Listowich, Trustees of the Listowich Farm Trust	162.11 Acres in Total

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcels of land hereinabove described:

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1. No construction or placing of buildings or structures or parts thereof, utilities or utility delivery systems, or roads, or portions thereof, shall be permitted on said premises. However, the creation and maintenance of woods roads necessary for managing the forests on said premises shall be permitted.

2. No septic systems or leach fields shall be permitted.

3. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land.

4. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides shall be permitted.

5. No clearing of forest cover for the purpose of creating pasture or fields for the grazing of animals or agricultural operations shall be permitted.

6. MDC shall be notified in writing prior to any commercial timber harvesting operations.

7. No commercial or public recreational use shall be permitted.

8. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction or easement, shall be permitted.

The watershed preservation restriction and conservation easement hereby taken does not grant either said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement, or the public, any right to enter upon the land hereinabove described, except that such Commission, its successors, assigns or other authority may enter upon said land at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same. This right shall be in addition to any other remedies available to the Commission, its successors, assigns or other authority, for the enforcement of the foregoing restrictions and the remedying of any violations of same.

All other customary rights and privileges of ownership shall be retained by the owner, including the right to privacy.

The Commission awards damages sustained by the owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Anthony B. Listowich and Henry B. Listowich, Trustees of the Listowich Farm Trust	$ 450,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $450,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, May 24, recommending that the Commission adopt an Order of Taking for acquisition of approximately 1.98 acres of land owned by Bigelow Nurseries, Inc., located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $60,500.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 1.98 acres of land owned by Bigelow Nurseries, Inc., located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, May 30, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the southerly side of Princeton Road - Route 62, across from the intersection of Princeton Road and Wilder Road, more particularly bounded and described as follows:

Beginning at a concrete bound on the southerly side of Princeton Road and at the northeasterly corner of land now or formerly of Robert F. and Linette K. Warren;

Thence by said Princeton Road S. 85° 22′ 00" E. one hundred fourty and 04/100 (140.04) feet to a Worcester County Highway bound;

Thence continuing by said road easterly along a curve to the left of radius sixty four hundred thirty (6,430.00) feet an arc distance of thirty nine and 96/100 (39.96′) feet to a point at other land now or formerly of Bigelow Nurseries, Inc.;

Thence by other land, now or formerly, of Bigelow Nurseries, Inc. S. 15° 29′ 39" W. five hundred seven and 54/100 (507.54′) feet to an iron pin at land formerly of Henry J. Cibrowski, now of the Commonwealth of Massachusetts, Metropolitan District Commission (M.D.C.);

Thence by land formerly of Henry J. Cibrowski, N. 59° 34′ 34" W. one hundred ninety eight 00/100 (198.00′) feet to a point at land, now or formerly, of Robert F and Linette K. Warren;

Thence by land, now or formerly, of said Warren N. 15° 39′ 53" E. one hundred fifty and 29/100 (150.29) feet to a point;

Thence N. 27° 49′ 39" E. thirty eight and 42/100 (38.42") feet to a point;

Thence N. 14° 33′ 46" E. seventy three and 61/100 (73.61") feet to a point;

Thence N. 18° 01′ 15 E. one hundred and sixty one and 22/100 (161.22") feet to the point of beginning, the previous four courses being by land, now or formerly, of said Robert F. and Linette K. Warren.

Containing 1.977 acres, more or less, shown as "Lot 1" upon a plan entitled "Land is Sterling, Mass. surveyed for Bigelow Nurseries, Inc.," prepared by David E. Ross Associates, Inc. dated September, 27, 1995, which plan shall be recorded with Worcester District Registry of Deeds, at a later date, and made a part of this instrument.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Princeton Road (Route 62) which may be held by the supposed owner as a result of their ownership of the above described property, and being a portion of the premises described in three deeds to Bigelow Nurseries Inc.: from Mary Wojciak, et al, dated March 7, 1980, and recorded with Worcester District Registry of Deeds in Book 6943, Page 369; from Mary Wojciak, Temporary Executor under the will of Joseph Warren dated March 10, 1980, and recorded with said Deeds in Book 6943, Page 367; and from Elleen Francis Warren, Executor under the will of Bennie Peter Warren, dated March 18, 1980, and recorded with said Deeds in Book 6943, Page 365.

The above described property is represented upon Sterling Assessors Tax Map 49 as the western-most portion of Parcel 7.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Bigelow Nurseries, Inc.	$ 60,500.00

The Commission further V O T E D: to approve an award of damages in the amount of $60,500.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

Adjourned at 10:00 a.m., to meet on Wednesday, June 5, 1996, at 10:00 a.m.

William F. Cusick
Secretary

Record of the Three Thousand Seven Hundred and Seventy Fifth (3775th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Wednesday, June 5, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr and Settles

The Records of the Commission Meeting held on May 23, 1996 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and two Associate Commissioners:

1. Contract No. P92-1628-C5A, dated June 5, 1996, with Foye & Letendre Landscaping, Inc., for 1996 Parkway Landscape Improvements.

2. Contract No. P96-1842-C1B, dated June 5, 1996, with Allied Weatherproofing Co., Inc., for Critical Repairs to MDC Swimming Pools and Service Buildings.

Action was taken upon the following matter relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher and Mayhew, June 1, on bids for Demolition of Garage and Bathhouse, Revere, Contract No. P96-1865-C1A.
Messrs. Faucher and Mayhew recommend the following -
That the Commission reject the bid of M.R.P. Site Development, Inc., as they were ineligible for failing to submit their Certificate of Eligibility with their bid.
That the Commission accept the second lowest bid received, that of Jay-Mor Enterprises, of $71,600.00.
That the Commission execute the Contract.
The Commission V O T E D: to reject the ineligible bid of M.R.P. Site Development, Inc.
The Commission further V O T E D: to accept the second lowest bid received, that of Jay-Mor Enterprises, of $71,600.00.
The Secretary then submitted for signature Contract Number P96-1865-C1A, dated June 5, 1996, with Jay-Mor Enterprises, Inc., which was signed by the Commissioner and two Associate Commissioners.

Action was taken upon the following Various Matter:

4. Report of Mr. Wright, June 3, submitting for approval and execution the annual Contract with the City of Boston for the Maintenance and Operation of the James Michael Curley Recreational Facility, Day Boulevard, South Boston, for the period from July 1, 1996 through June 30, 1997.
Cost - $286,232.00.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract, dated June 5, 1996, with the City of Boston, for the Maintenance and

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Operation of the James Michael Curley Recreational Facility, Day Boulevard, South Boston, which was signed by the Commissioner and two Associate Commissioners.

Action was taken upon the following matter relating to the Office of Real Property:

1. Report of Mr. Gray, May 30, recommending that the Commission adopt an Order of Taking for acquisition of approximately 520 acres of land owned by Robert S. Davis, et al, Trustees, located in Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $6,270,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Account Nos. 2420-8936 and 2000-8963.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 520 acres of land owned by Robert S. Davis, et al, Trustees, located in Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 5, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Chapter 15 of the Acts of 1996, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling, in the County of Worcester and Commonwealth of Massachusetts, namely:

These certain parcels of land: Parcel 1 and Parcel 2, as described in a deed from John A. Davis, et ux, to John A. Davis, et al, Trustees, dated May 3, 1954, and recorded with Worcester District Registry of Deeds in Book 3586, Page 427; Parcels X, XI, and XII, as described in a deed from Jonathan Davis, et al, Trustees, to Jonathan Davis, et al, Trustees, dated October 23, 1968, and recorded with said Deeds in Book 4907, Page 521; the parcel described in a deed from Florence C. Wilder, et al, to John A. Davis, et al, Trustees, dated June 27, 1964, and recorded with said Deeds in Book 4531, Page 344; and Parcels 3, 4, 5 and 6 in a deed from Diong D. Uong, et ux, to Jonathan Davis, et al, Trustees, dated January 20, 1969, and recorded with said Deeds in Book 4919, Page 127.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Redemption Rock Trail and Justice Hill Road which may be held by the supposed owners, and containing approximately 520 acres.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
John M. Davis, Robert S. Davis, Sandra J. Davis, and Stephen A. Ware, Trustees of Davis Farms Trust	$ 6,270,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $6,270,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

Adjourned at 9:45 a.m., to meet on Thursday, June 13, 1996, at 9:00 a.m.

William J. Cusick
Secretary

Record of the Three Thousand Seven Hundred and Seventy Sixth (3776th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, June 13, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr, Settles and Wu.

The Records of the Commission Meeting held on May 30, 1996 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Contract-Agreement No. P87-1447-M1A, dated June 13, 1996, with GZA GeoEnvironmental, Inc., for Geotechnical Engineering Advice.

2. Inter-departmental Service Agreement, Contract No. WM96-037-S1A, dated June 13, 1996, for Rare Plant Inventory, with the Biology Department at the University of Massachusetts, to complete an inventory of rare and endangered plants on land scheduled for forest management and other lands likely to contain rare species.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher and Lespasio, May 28, recommending approval of Extra Work Order No. 3 - for installation of benches at various locations throughout the Metropolitan District - at a cost of $33,750.00, on Contract No. P95-1802-C1A, with D & R General Contracting, Inc., for Walkway Improvements Along the MDC Harbor Beaches, between Winthrop, Boston and Quincy.
(The cost of the extra work will be offset by unused quantities in Item Nos. 004-010 - loam borrow, 009-010 - bituminous concrete, 013-010 - wood guard rail, 014-010 - black vinyl chain link fence and 020-010 - traffic control services).
The Commission V O T E D: to approve Extra Work Order No. 3, in the amount of $33,750.00.

4. Report of Messrs. Faucher, Brooks and Haider, June 5, recommending approval of the request of the contractor for an extension of time from June 30, 1996 to August 31, 1996, on Contract No. P96-1817-C1A, with P. H. Mechanical Corp., for Capital Improvement or Major Replacement of H.V.A.C. Systems, Including Hot Water and Make-Up Air at M.D.C. Facilities.
(At no increase in Contract cost).
The Commission V O T E D: to approve an extension of time from June 30, 1996 to August 31, 1996, as recommended by Messrs. Faucher, Brooks and Haider, in their report of June 5, 1996, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

5. Report of Messrs. Faucher and Jackson, June 4, recommending the following on Contract No. P96-1847-C1A, with Mystic Scenic

Studios, Inc., for 1996 MDC Flower Show Exhibit -
(a) That work be accepted as completed as of April 22, 1996.
(b) That Invoice No. 3 (Final), in the amount of $5,000.00, be approved for payment.
(Basis of Award - $28,630.00)
(Amount to Date - $27,130.00)
(Contractor's Performance Rating - 9.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Mystic Scenic Studios, Inc., Contractor under Contract No. P96-1847-C1A, be and hereby is accepted as completed as of April 22, 1996.
The Commission further V O T E D: to approve Invoice No. 3 (Final), in the amount of $5,000.00, for payment.

1. Report of Messrs. Faucher and Sacco, May 1, recommending the following on Contract No. P92-1646-C2B, with W. H. Hughes, Inc., for Installation of Submarine Cable, John J. Beades Drawbridge, Morrissey Boulevard, Dorchester -
(a) That work be accepted as completed as of April 15, 1996.
(b) That Estimate No. 2 (Final), in the amount of $24,951.65, be approved for payment.
(c) That reserve, in the amount of $5,013.25, be approved for payment.
(Basis of Award - $109,000.00)
(Amount to Date - $100,264.90)
(Contract Performance Rating - 4.87)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of W. H. Hughes, Inc., Contractor under Contract No. P92-1646-C2B, be and hereby is accepted as completed as of April 15, 1996.
The Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $24,951.65, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $5,013.25, for payment.

2. Report of Messrs. Faucher and Mayhew, May 30, submitting for approval Project Summary, Project Justification, Work Schedule and requesting permission to advertise Project No. P96-1855-C1A, for Installation of New Roofing, William P. Connery Memorial Rink, Lynn.
Estimated Cost - $150,000.00.
Time for Performance - thirty days.
Account No. 2440-8952.
The Commission V O T E D: Approved.
The Commission further V O T E D: permission to advertise Project No. P96-1855-C1A, for Installation of New Roofing, William P. Connery Memorial Rink, Lynn.

3. Report of Messrs. Faucher and Jackson, June 4, recommending approval of an extension of time from May 15, 1996 to July 15, 1996, for administrative purposes only, on Contract No. P95-1797-C1A, with Popico, Inc., d/b/a Holden Farms Nursery, for Planting Along Boston Harbor Beaches.
(The recommendation for the extension of time is made under

provisions of Article XXII. The extension will not effect the liquidated damages provisions of Article XXI that may be due the Commission and the Commission will not waive any of its rights under terms of the Contract).
The Commission V O T E D: to approve an extension of time, for administrative purposes only, under the provision of Article XXII, from May 15, 1996 to July 15, 1996, as recommended by Messrs. Faucher and Jackson in their report of June 4, 1996, to be effective, however, only upon receipt of the written consent of the bonding company, if required, and on condition that no further request will be made for additional compensation and that this extension of time shall in no way effect the liquidated damages in Article No. XXI, that may be due to the Commission and shall not operate as a waiver on the part of the Commission or in any of its rights under the Contract.

1. Report of Messrs. Faucher and Higgott, May 24, recommending the following on Contract No. P80-0844-D3B, with The McGuire Group, Inc., for Beaver Brook Flood Mitigation Project Reach I Waltham -
Amendment No. 1 - additional work in Task 8 - Easement Acquisition Assistance by sub-consultant Bay Colony Group, at a cost of $2,090.00.
and an extension of time from February 28, 1997 to the end of construction on November 30, 1998.
Account No. 2410-8802.
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and Sacco, April 22, recommending approval of the action of Acting Director Faucher resulting in Revisions in Quantities and Extra Work Order No. 7, on Contract No. P82-1128-C2A, with John J. Paonessa Co. Inc., for Rehabilitation of Mystic Valley Parkway, Winchester -

Revisions in Quantities

Item No. 030-016 - Lighting Cable #1/0	-	$ 1,035.40
Item No. 030-018 - Lighting Cable #1	-	$52,591.50
Item No. 030-022 - Lighting Cable #6 Ground	-	$ 3,006.50
Item No. 030-023 - Lighting Cable #8 Ground	-	$ 3,068.50
Item No. 030-024 - Lighting Cable #10	-	$ 9,232.50
Total	-	**$68,934.40**

Extra Work Order

No. 7 - New Electrical Transformer - **$20,095.50**
(At no increase in Contract cost as the cost will be offset by unused quantities in other items).
The Commission V O T E D: to approve the action of Acting Director Faucher which resulted in Revisions in Quantities and Extra Work Order No. 7, on Contract No. P82-1128-C2A.
The Commission further V O T E D: to approve the Revisions in Quantities, in the amount of $68,934.40.
The Commission further V O T E D: to approve Extra Work Order No. 7, in the amount of $20,095.50.

3. Report of Messrs. Faucher and Machado, June 10, submitting for approval Work Schedule, Project Summary, Project Justification and requesting permission to advertise Project No. P96-1862-C1A,

for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System.
Estimated Cost - $750,000.00.
Time - twelve months.
Account Nos. 2490-0017 and 2440-8952.
The Commission V O T E D: Approved.
The Commission further V O T E D: permission to advertise Project No. P96-1862-C1A, for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Mr. McGinn and Miss Austin, June 6, requesting approval of and authorization to advertise Project No. WM96-049-X1A, for Laboratory Services For Water Quality Analysis.
Estimated Cost FY1997 - $25,000.00.
FY1998 - $25,000.00.
Contingent upon sufficient appropriations being made through the annual budgetary process.
Account No. 2420-1400.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. WM96-049-X1A, for Laboratory Services For Water Quality Analysis.

2. Report of Miss Overton and Mr. McGinn, May 10, requesting approval of a Contract with Sharon E. McGregor, for the services as a liaison between the Division of Watershed Management, the MDC Commissioner and other MDC Divisions, and other water resource agencies of the Commonwealth, including the Secretary of Environmental Affairs.
Maximum Obligation - $55,000.00.
Time for Performance - June 16, 1996 through June 30, 1997.
Account No. 2420-1400 - FY96 and FY97.
Miss Overton and Mr. McGinn further request authorization for Commissioner Balfour to execute the Contract on behalf of the Commission.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization for Commissioner Balfour to execute the Contract on behalf of the Commission.

3. Report of Mr. McGinn, May 14, recommending the following on Contract No. WM95-087-S1A, with the University of Massachusetts - Amherst, for Stillwater Drainage Basin Masterplan -
(a) That work be accepted as completed as of January 16, 1996.
(b) That Invoice No. 10 (Final), in the amount of $4,060.00, be approved for payment.
(Basis of Award - $150,000.00)
(Total to Date - $149,685.49)
(Contract Performance Rating - 7.00 - with 10.00 being excellent).
The Commission V O T E D: that the work of the University of Massachusetts, Consultant under Contract No. WM95-087-S1A, be and

hereby is accepted as completed as of January 16, 1996.
The Commission further V O T E D: to approve Invoice No. 10 (Final), in the amount of $4,060.00, for payment.

Action was taken upon the following Various Matters:

1. Report of Messrs. Kerins and Glavin, May 31, recommending award of Dumpster Supply, Service and Disposal for the period July 1, 1996 though June 30, 1998, to Reliable Rubbish, with a low bid of $583,655.00, for all locations.
Messrs. Kerins and Glavin further request that Commissioner Balfour be authorized to execute the Contract documents on behalf of the Commission.
Account No. 2440-0010.
The Commission V O T E D: to award the Dumpster Supply, Service and Disposal Contract, for the period July 1, 1996 though June 30, 1998, to Reliable Rubbish, with a low bid of $583,655.00, for all locations.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Contract on behalf of the Commission.

2. Report of Messrs. Kerins and Glavin, May 31, recommending award of Trash Disposal - Direct Dumping Contracts and requesting authorization for Commissioner Balfour to execute the Contracts on behalf of the Commission.
The Commission V O T E D: to approve the award of Trash Disposal - Direct Dumping Contracts as follows -

FISCAL YEAR 1997 - TOTAL $80,000.00

DISTRICT	VENDOR		
Harbor	E.A.C.	- 250 Ton/Year	$13,500.00
Neponset	Waste Management - Dedham	- 250 Ton/Year	$13,500.00
Charles	Waste Management - Somerville	- 500 Ton/Year	$26,500.00
Mystic	Waste Management - Somerville	- 500 Ton/Year	$26,500.00

FISCAL YEAR 1998 - TOTAL $81,000.00

DISTRICT	VENDOR		
Harbor	E.A.C.	- 250 Ton/Year	$14,500.00
Neponset	Waste Management - Dedham	- 250 Ton/Year	$13,500.00
Charles	Waste Management - Somerville	- 500 Ton/Year	$26,500.00
Mystic	Waste Management - Somerville	- 500 Ton/Year	$26,500.00

Account No. 2440-0010.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Contracts on behalf of the Commission.

3. Report of Mrs. O'Brien, June 7, submitting for approval and execution Amendment No. 1 to Contract-Agreement No. PL93-023-D1A, with Planners Collaborative, Inc., for Neponset River Estuary Master Planning and Design, which calls for an extension of time from June 30, 1996 to October 30, 1996 due to the need for additional work.
(At no increase in Contract cost).
The Commission V O T E D: Approved.
The Secretary submitted for signature Amendment No. 1, dated June 13, 1996, to Contract-Agreement No. PL93-023-D1A, with Planners Collaborative, Inc., which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following matters relating to the Office of Real Property:

1. Report of Mr. Gray, June 10, recommending that the Commission adopt an Order of Taking for acquisition of approximately 106.639 acres of land owned by Francis S. Wyman, et al, Trustees, located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $245,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 106.639 acres of land owned by Francis S. Wyman, et al, Trustees, located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 13, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the northeasterly side of Newell Hill Road, in the said Town of Sterling, more particularly bounded and described as follows:

Beginning at the southwesterly corner of the parcel herein being described at a drill hole on the northeasterly line of Newell Hill Road, at land, formerly of Albert H. Suprenant, now or formerly, of Sterling Nominee Trust, R. Gary Griffin, Trustee;

Thence N. 13° 08′ 35" E., 274.26 feet, to a concrete bound;

Thence N. 13° 49′ 02" E., 1126.32 feet, to a concrete bound at a corner of land, formerly of Frank W. & Mary A. Kingsbury, now of the Commonwealth of Massachusetts, Metropolitan District Commission,

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the last two courses being by land, now or formerly, of Sterling Nominee Trust;

Thence N. 14° 40′ 12" E., 391.53 feet, to a fieldstone bound;

Thence N. 14° 31′ 58" E., 670.62 feet, to a fieldstone bound at the northwesterly corner of the parcel herein being described, and at land, formerly of Franklin O. Jacobs Trustee, now or formerly, of John Sangenario, the last two courses being by land of the Commonwealth;

Thence S. 74° 59′ 19" E., 859.62 feet, to a drill hole at a corner of walls;

Thence S. 75° 01′ 09" E., 135.83 feet, by the stone wall, to a point;

Thence S. 73° 59′ 40" E., 199.23 feet, by the wall, to a point;

Thence S. 73° 42′ 33" E., 92.08 feet, by the wall, to a point;

Thence S. 75° 21′ 52" E., 178.30 feet, by the wall, to a drill hole at a corner of walls;

Thence S. 11° 11′ 08" W., 103.29 feet, by the wall, to a point;

Thence S. 08° 18′ 21" W., 100.55 feet, by the wall, to a drill hole;

Thence S. 35° 52′ 52" E., 12.09 feet, by the wall, to a drill hole;

Thence S. 09° 04′ 41" E., 17.37 feet, by the wall, to a drill hole;

Thence S. 05° 39′ 36" W., 43.69 feet, by the wall, to a drill hole at a corner of walls and land, now or formerly, of Robert & Shirley P. Smiley, the last ten courses being by land, now or fromerly, of John Sangenario;

Thence S. 25° 08′ 49" W., 17.69 feet, by the wall, to a drill hole;

Thence S. 28° 58′ 13" W., 225.31 feet, by the wall, to a drill hole;

Thence S. 22° 52′ 00" W., 151.82 feet, by the wall, to a point;

Thence S. 24° 34′ 02" W., 174.89 feet, by the wall, to a drill hole;

Thence S. 60° 08′ 54" E., 25.12 feet, to a point in a corner of stone walls;

Thence S. 54° 18′ 35" E., 60.66 feet, by the wall, to a point;

Thence S. 43° 28′ 07" E., 24.55 feet, by the wall, to a drill hole;

Thence S. 13° 12′ 25" E., 147.88 feet, by the wall, to a point;

Thence S. 12° 14′ 34" E., 162.27 feet, by the wall, to a drill hole;

Thence S. 25° 00′ 38" E., 58.60 feet, by the wall, to a drill hole;

Thence S. 24° 43′ 37" E., 334.48 feet, by the wall, to a drill hole;

Thence S. 23° 32′ 43" E., 447.17 feet, by the wall, and crossing part of a 250 foot wide New England Power Company easement which lies within the parcel boundry, to a drill hole at a corner of walls, and land, now or formerly, of Malcolm & Joan B. Smiley, the last twelve courses being by land, now or formerly, of Robert & Shirley P. Smiley;

Thence S. 30° 06′ 11" W., 207.74 feet, by the wall, to a point;

Thence S. 31° 47′ 02" W., 165.22 feet, by the wall, to a drill hole;

Thence S. 32° 21′ 39" W., 289.01 feet, by the wall and lands, now or formerly, of M. & J. B. Smiley, of George E. & Win S. Shankel and Harvey L. & Virginia Gene Rittenhouse, and of Lear Realty

Trust, to a point, the last two courses being by land, now or formerly, of M. & J. B. Smiley;

Thence S. 28° 34′ 06" W., 42.50 feet, by the wall, to a drill hole;

Thence S. 33° 18′ 48" W., 157.98 feet, by the wall, to a point;

Thence S. 38° 49′ 02" W., 38.97 feet, by the wall, to a drill hole;

Thence S. 31° 17′17" W., 118.63 feet, by the wall, to a drill hole at an angle in the wall, and Lot 2, other land, now or formerly, of Tree Realty Trust, Francis S. Wyman & James E. Wyman, Trustees, the last two courses being by land, now or formerly, of Lear Realty Trust;

Thence N. 55° 33′ 19" W., 323.99 feet to a point;

Thence N. 77° 41′ 26" W., 1214.98 feet to a point in the stone wall forming the northeasterly line of Newell Hill Road, the last two courses being by Lot 2, as referenced above;

Thence N. 42° 11′ 31" W., 157.72 feet, by the wall and the road, to a drill hole set at the southeasterly corner of Lot 1, other land, now or formerly, of Tree Realty Trust;

Thence N. 74° 05′ 00" E., 100.00 feet, to an iron rod set;

Thence N. 59° 39′ 25" E., 152.82 feet, to a drill hole set;

Thence N. 51° 44′ 52" E., 100.00 feet to an iron rod set at the northeasterly corner of Lot 1;

Thence N. 36° 29′ 38" W., 200.00 feet, to a drill hole set in a stone wall segment marking the northwesterly corner of Lot 1;

Thence S. 54° 17′ 16" W., 132.28 feet, by the wall, to a drill hole set;

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Thence S. 62° 21′ 30" W., 51.16 feet, by the wall, to a drill hole set;

Thence S. 61° 04′ 30" W., 89.47 feet, by the wall, to a drill hole set;

Thence S. 59° 18′ 42" W., 64.59 feet, by the wall, to a drill hole found at a corner of walls at a point on the northeasterly line of Newell Hill Road, the last eight courses being by Lot 1;

Thence N. 27° 58′ 48" W., 75.47 feet, by the northeasterly line of Newell Hill Road, to the first mentioned drill hole being the point and place of beginning.

Containing 106.639 acres, more or less, as shown upon a plan entitled "Land In Sterling, MA. Surveyed For Tree Realty Trust", dated May 1996, and prepared by James E. Gaffney Co. Leominster MA., which plan shall be recorded with Worcester District Registry of Deeds either with this order or at a later date and made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Newell Hill Road which may be held by the supposed owners, as a result of their ownership of the above described property, and being most of the same premises described in a deed from Joseph L. R. Brideau, O. Tubio Giovannageli and Francis S. Wyman to Francis S. Wyman and James E. Wyman, Trustees of Tree Realty Trust, dated December 22, 1987, and recorded with Worcester District Registry of Deeds in Book 11066, Page 35.

The above described property is represented upon Sterling Assessors Tax Map 16 as most of Parcel 1.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land, and expressly reserving to the owners of the above described premises, their successors and assigns, as owners of the excluded Lot 1 referenced above, the right and easement to enter upon a 10,559 square foot area adjoining the northerly portion of the western line of Lot 1, for the purpose of raising the level of the ground, with good clean fill, so as to increase the surrounding ground area into which the leaching field, of a septic system to be constructed upon Lot 1, meeting requirements of Title 5, or its statutory/regulatory successor, may flow.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Francis S. Wyman and James E. Wyman, Trustees of Tree Realty Trust	$ 245,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $245,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 10, recommending that the Commission adopt an Order of Taking for acquisition of approximately 85.0 acres of land owned by Donald R. Haynes, et ux, located in the Town of Holden, Massachusetts, and to approve an award of damages in the amount of $250,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 85.0 acres of land owned by Donald R. Haynes, et ux, located in the Town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 13, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Holden in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying in the northerly part of the said Town of Holden on the northwesterly side of the road leading from the village of French Woods, so-called to the Town of Sterling, now known simply as Sterling Road, more particularly bounded and described as follows:

Beginning at the southernmost corner of the parcel at a point in the northwesterly line of Sterling Road, said point also marking the southeasterly corner of land, now or formerly, of Dorothy C. Peters;

Thence Northwesterly, by the northeasterly line of land, now or formerly, of Peters, 792 feet, more or less, to a point at the northeasterly corner of that same parcel;

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Thence Turning ninety degrees and running southwesterly, by the northwesterly line of the Peters parcel and parallel to the northwesterly line of Sterling Road, 330 feet, more or less, to a point at the northwesterly corner of that parcel, at a stone wall and a common corner with two parcels, now or formerly, of Orrin W. Jr. & Cynthia L. Mason;

Thence Northwesterly, by the stone wall and land, now or formerly, of Mason, 1755 feet, more or less, to a drill hole in the wall at the northwesterly corner of the parcel herein being described, and land, formerly of R.S. Mirick et ux, now of the Commonwealth of Massachusetts, Division of Fisheries, Wildlife & Environmental Law Enforcement;

Thence Turning easterly and a bit northerly, by the southerly line of the Commonwealth, DFWELE, 1034 feet, more or less, to a conctete monument at a corner;

Thence Turning northerly and a bit easterly, by the easterly line of the Commonwealth, DFWELE, 1122 feet, more or less, to a concrete bound at an angle;

Thence Turning a bit further east, and running still northeasterly by land of the Commonwealth, DFWELE, 487.94 feet, more or less, to a concrete bound at a corner and land, formerly of Davis Dairy Inc., now of the Commonwealth of Massachusetts, Metropolitan District Commission;

Thence Turning ninety degrees and running southeasterly, by land of the Commonwealth, MDC, 354.75 feet, more or less, to a point at a corner;

Thence Turning the corner about ninety seven degrees to a northeasterly direction, by land of the Commonwealth, MDC, 858 feet, more or less, to a point at another corner;

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Thence Turning about ninety degrees and running southeasterly, by land of the Commonwealth, MDC, 501.6 feet, more or less, to a point at another corner, and other land, formerly of Davis Dairy Inc., now of the Commonwealth, MDC;

Thence Turning southwesterly and running by land of the Commonwealth, MDC, 58 feet, more or less, to a point at the northeasterly corner of the sixteenth lot in a subdivision of lots on the northwesterly side of Sterling Road, said lot being land, now or formerly, of Ralph F. & Susan R. Divirgilio;

Thence Continuing southwesterly by the northwesterly lines of the sixteen lots cited above, having addresses running from Lot 16 at 470 Sterling Road, down to Lot 1 at 336 Sterling Road, property now or formerly, of Eric & Blanche L. Gregory, a distance of 1469.75 feet, to a drill hole in a stone wall at the northwesterly corner of Lot 1;

Thence Southeasterly, by the curve of the interior stone wall, 1375 feet, more or less, to an iron pin at a point in the wall, at land, now or formerly, of Donald R. Jr. & I. Loretta Haynes;

Thence S. 14° 08′ W., by the wall, 86.7 feet to another iron pin in the wall;

Thence S. 12° W., by the wall, 40 feet to an angle in the wall;

Thence S. 12° E., by the wall, 2.5 feet to another angle in the wall;

Thence S. 41° E., by the wall, 144 feet to an iron pin in a corner of walls in the northwesterly line of Sterling Road, the last four courses being by land, now or formerly, of Donald R. Jr. & I. Loretta Haynes as shown upon a survey plan entitled "Plan Of Land Of David R. Haynes Et Ux, Holden, Mass.", dated May 12, 1964, prepared by Michael S. Szoc and recorded with Worcester District Registry of Deeds as Plan 60 in Plan Book 283;

Thence Southwesterly, by the stone wall and the northwesterly line of Sterling Road, 581 feet, more or less, to the southeasterly corner of the Perers Lot, being the point and place of beginning.

Containing 85 acres, more or less, by estimate. There is no record plan of the above described property.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Sterling Road which may be held by the supposed owners, as a result of their ownership of the above described property, and being most of the same premises described in a deed from Harold Haynes et als to Donald R. Haynes and Ann M. Haynes, dated May 10, 1967 and recorded with Worcester District Registry of Deeds at Book 4770, Page 124.

The above described property is represented upon Holden Assessors Tax Map 11 as the westerly and northerly portions of Parcel 1.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Donald R. Haynes Ann M. Haynes	$ 250,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $250,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 10, recommending that the Commission adopt an Order of Taking for acquisition of approximately 11.32 acres of land owned by Arthur P. Charbonneau, Trustee, located in the Town of Princeton, Massachusetts, and to approve an award of damages in the amount of $115,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 11.32 acres of land owned by Arthur P. Charbonneau, Trustee, located in the Town of Princeton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 13, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Princeton in the County of Worcester and Commonwealth of Massachusetts, namely:

Four certain parcels of land lying within a subdivision on the northerly line of Sterling Road, three of which parcels front on the northerly line of said road and the fourth on the Cul-de-sac at the northerly end of Parker Place, all of which parcels of land abut, are flowed by, or lie in close proximity to "Babcock Brook", more particularly bounded and described as follows:

The lands in the said Town of Princeton shown as Lot 3, Lot 5, Lot 7, and a portion of Lot 6 upon a plan entitled "Parker Place Subdivision, Definitive Subdivision Plan of Land, Princeton, Ma. Sheet 1 of 2", dated December 12, 1987, last revision March 29, 1988, prepared by Joseph R. Henry & Associates, Inc. and by Neponset Valley Survey Associates, Inc., recorded with Worcester District Registry of Deeds as Plan 16 in Plan Book 603.

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That portion of Lot 6 referred to above is shown, as Lot 6B, upon a plan entitled "Subdivision Plan of Land In Princeton, MA. Prepared For Snow Pond Realty Trust", dated June 9, 1988, prepared by David D. Lanata & Associates, Inc., recorded with said Deeds as Plan 17 in Plan Book 603.

Lot 3 as shown upon the above referenced plan is supposed to contain about 173,900 square feet, or 4.0 acres, more or less.

Lot 5 as shown upon the above referenced plan is supposed to contain about 141,300 square feet, or 3.2 acres, more or less.

Lot 6B as shown upon the above referenced plan is supposed to contain about 92,350 square feet, or 2.12 acres, more or less.

Lot 7 as shown upon the above referenced plan is supposed to contain about 86,900 square feet, or 2.0 acres, more or less.

The total area taken in this instrument is calculated to be 11.32 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in "Babcock Brook", Parker Place, and Sterling Road which may be held by the supposed owner, as a result of his ownership of the above described property, and Lots 3, 5 and 7 being the same premises described in three deeds from Arthur P. Charbonneau, Trustee of Snow Pond Realty Trust, to Arthur P. Charbonneau, Trustee of Parker Place Realty Trust, dated May 27, 1988 and recorded with Worcester District Registry of Deeds at Book 11484, Pages 27, 28 and 29, Lot 6B being a portion of the same premises described in a deed from Lois I. O'Connor to Arthur P. Charbonneau, Trustee of Snow Pond Realty Trust, dated June 29, 1987 and recorded with said Deeds at Book 10723, Page 9.

The above described property is represented upon Princeton Assessors Tax Map 13 as Parcels 14-6, 14-8, 14-10, and 14-11.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Arthur P. Charbonneau, Trustee of Parker Place Realty Trust, and Arthur P. Charbonneau, Trustee Snow Pond Realty Trust	$ 115,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $115,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 10, recommending that the Commission adopt an Order of Taking for acquisition of approximately 72.06 aces of land owned by Jeanne Borggaard, Trustee, located in the Town of West Boylston, Massachusetts, and to approve an award of damages in the amount of $400,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 72.06 aces of land owned by Jeanne Borggaard, Trustee, located in the Town of West Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 13, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of West Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the northerly side of Malden Street, westerly of its intersection with Crescent Street, more particularly bounded and described as follows:

Beginning at the southwesterly corner of the parcel herein being described, at land, formerly of George W. & Beryl Cronk, now or formerly, of Michael F. & Christine C. Nichols, at an iron pipe in the northerly line of Malden Street, at the southerly end of a stone wall, said iron pipe being located N. 74° 14′ 53" E., 184.62 feet from the southeasterly corner of land, formerly of Donald G. & Kathy P. Allaire, as described in an instrument recorded with said Deeds at Book 8275, Page 74, and shown upon a plan recorded as Plan 107 in Plan Book 516;

Thence N. 10° 43′ 30" W., 240.00 feet, by the stone wall and land, now or formerly, of Nichols, to a point;

Thence S. 79° 16′ 30" W., 228.78 feet, by land, now or formerly, of Nichols, to a point in a stone wall, at land, formerly of Donald G. & Kathy P. Allaire, now or formerly, of Kathy P. Allaire;

Thence N. 20° 39′ 32" W., 21.73 feet, by the stone wall and land, now or formerly, of Allaire, to an iron pipe set at a point within the wall;

Thence N. 21° 01′ 50" W., 393.64 feet, by the wall and land, now or formerly, of Allaire, to an iron pipe set at a point within the wall, at land, formerly of Alfred N. & Joan A. Whiting, as described in an instrument recorded with said Deeds at Book 4674, Page 201, now or formerly, land of Anthony A. Jr. & Susan J. Meola;

Thence N. 68° 35′ 00" E., 3.79 feet, by the wall and land, now or formerly, of Meola, to a drill hole at a corner of walls;

Thence N. 21° 03′ 57" W., 412.84 feet, by the wall and land now or formerly, of Meola, and of William E. & Marjorie I. Clark, to a point;

Thence N. 20° 45′ 28" W., 165.74 feet, by the wall and land, now or formerly, of Clark, to a drill hole;

Thence N. 19° 57′ 59" W., 222.38 feet, by the wall and land, now or formerly, of Clark and of Stephen R. Dufresne, to a point;

Thence N. 19° 58′ 08" W., 153.64 feet, by the wall, to a drill hole;

Thence N. 20° 16′ 01" W., 136.39 feet, by the wall, to a point;

Thence N. 19° 28′ 26" W., 189.80 feet, by the wall, to an iron pipe set at a point within the wall;

Thence N. 19° 39′ 43" W., 187.89 feet, by the wall, to a drill hole at land, formerly of Myron W. Houghton, now of the Commonwealth of Massachusetts, Metropolitan District Commission, as described in an instrument recorded with said Deeds at Book 1733, Page 125, the last four courses being by land, now or formerly, of Dufresne;

Thence N. 19° 27′ 35" W., 593.88 feet, by the stone wall and land of the Commonwealth, to a drill hole in the wall at the southwesterly corner of land, now or formerly, of the County of Worcester as described in an instrument recorded with said Deeds at Book 2146, Page 20, said drill hole marking the northwesterly corner of the parcel herein being described;

Thence N. 81° 49′ 19" E., 855.98 feet, by land, now or formerly, of the County, to a point at the westerly end of a stone wall;

Thence N. 83° 08′ 26" E., 302.46 feet, entering and running by the stone wall and land, now or formerly, of the County, to a gun barrel set at a corner of land, formerly of George B. & Silas Newton, now of the Commonwealth of Massachusetts, Metropolitan District Commission, as described in an instrument recorded with said Deeds at Book 1665, Page 1.

Thence S. 10° 59′ 25" E., 1165.27 feet, by land of the Commonwealth, entering and running by a stone wall, to a stone bound at the southerly end of the wall;

Thence N. 72° 00′ 09" E., 673.21 feet, by the remains of a wire fence and land of the Commonwealth, to a stone bound at land, formerly of Pine Arden Corporation, later of Paul W. Shapter, Jr. and Katherine V. Shapter, now of the Commonwealth of Massachusetts, Metropolitan District Commission, as described in an instrument recorded with said Deeds at Book 17032, Page 343;

Thence S. 01° 00′ 58" W., 1012.76 feet, by land of the Commonwealth, to a gun barrel set at a point;

Thence S. 10° 31′ 06" E., 108.25 feet, by land formerly of Shapter, to a stone bound at other land, now of the Commonwealth, formerly of Artemas C. Smith, as described in an instrument recorded with said Deeds at Book 1665, Page 1, and as shown upon the survey plan recorded as Plan 20 in Plan Book 6, and at land, now or formerly, of Richard L. & Janice P. Gilley, as described in an instrument recorded with said Deeds at Book 6889, Page 304, and shown upon a survey plan recorded as Plan 97 in Plan Book 470;

Thence S. 70° 13′ 52" W., 200.00 feet, by land, now or formerly, of Gilley, to a steel rod set;

Thence S. 23° 28′ 35" W., 400.12 feet, to an iron pipe;

Thence S. 29° 10′ 37" W., 428.30 feet, to a point;

Thence Southwesterly, by a curve to the right with a radius of 125.00 feet, an arc distance of 71.13 feet, to a point of reverse curvature, said arc being subtended by a central angle of 32° 36′ 11";

Thence Southerly, by a curve to the left with a radius of 20.00 feet, an arc distance of 27.56 feet, to a point of tangency in the northeasterly line of Malden Street, said arc being subtended by a central angle of &8° 50′ 06", the last five courses being by land, now or formerly, of Gilley;

Thence N. 20° 05′ 35" W., 191.14 feet, by the northeasterly line of Malden Street, to an angle point;

Thence N. 45° 27′ 50" W., 39.91 feet, by the street, to a gun barrel set at the southeasterly corner of land, now or formerly, of John D. & Joyce A. Mc Keough, as described in an instrument recorded with said Deeds at Book 4196, Page 345;

Thence N. 10° 47′ 21" W., 235.50 feet, to a gun barrel;

Thence S. 80° 32′ 39" W., 110.00 feet, to a point;

Thence S. 09° 27′ 21" E., 175.00 feet, to a point in the northerly line of Malden Street, the last three courses being by land, now or formerly, of McKeough;

Thence N. 77° 15′ 27" W., 61.18 feet, by the northerly line of Malden Street, to the point and place of beginning.

Containing 72.086 acres, more or less, as shown upon a plan entitled "Plan Of Land In West Boylston Prepared For George W. & Beryl Cronk", dated 26 October 1984, revised June 2, 1985, prepared by William L. Berry P.E. R.L.S. Berry Engineering, Inc., and recorded with Worcester District Registry of Deeds as Plan 102 in Plan Book 538.

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Also expressly taken and reserved for the benefit of the Commonwealth of Massachusetts, as successor in title to Borggaard Malden Realty Trust, is the forty foot wide right of way for access and utility purposes across a 51,374-square-foot lot conveyed to Michael E. DeLiddo and Susan J. DeLiddo by Howard K. Borggaard and Jeanne Borggaard, as Trustees of Borggaard Malden Realty Trust in an instrument dated January 11, 1988, recorded with Worcester District Registry of Deeds at Book 11067, Page 237. Said lot is shown upon the above referenced survey plan, and is, now or formerly, property of Michael F. & Christine C. Nichols.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Malden Street which may be held by the supposed owner, as a result of her ownership of the above described property, and being the same premises described in a deed from Howard K. Borggaard to Jeanne Borggaard, Trustee of the Borggaard Malden Realty Trust, dated December 6, 1991 and recorded with Worcester District Registry of Deeds at Book 13845, Page 353.

The above described property is represented upon West Boylston Assessors Tax Map 137 as Parcel 3.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

Also expressly taken and reserved for the benefit of the Commonwealth of Massachusetts, as successor in title to Borggaard Malden Realty Trust, is the forty foot wide right of way for access and utility purposes across a 51,374-square-foot lot conveyed to Michael E. DeLiddo and Susan J. DeLiddo by Howard K. Borggaard and Jeanne Borggaard, as Trustees of Borggaard Malden Realty Trust in an instrument dated January 11, 1988, recorded with Worcester District Registry of Deeds at Book 11067, Page 237. Said lot is shown upon the above referenced survey plan, and is, now or formerly, property of Michael F. & Christine C. Nichols.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Malden Street which may be held by the supposed owner, as a result of her ownership of the above described property, and being the same premises described in a deed from Howard K. Borggaard to Jeanne Borggaard, Trustee of the Borggaard Malden Realty Trust, dated December 6, 1991 and recorded with Worcester District Registry of Deeds at Book 13845, Page 353.

The above described property is represented upon West Boylston Assessors Tax Map 137 as Parcel 3.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Jeanne Borggaard, Trustee Borggaard Malden Realty Trust	$ 400,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $400,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

Report of Mr. Gray, June 10, recommending that the Commission adopt an Order of Taking for acquisition of approximately 47.09 acres of land owned by Independence Drive Limited Partnership, located in the City of Boston, Massachusetts, and to approve an award of damages in the amount of $6,559,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A, provided $333,000.00 is withheld from that amount until construction debris has been removed from the site and environmental remediation completed in accordance with regulations promulgated by the state Department of Environmental Protection; and further to take by said order of taking a right of way in, on and over land owned by Edward E. Zuker, Trustee, located in the City of Boston, Massachusetts, and to approve an award of damages in the amount of $345,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2440-8960.

The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 47.09 acres of land owned by Independence Drive Limited Partnership, located in the City of Boston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 13, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 119 of the Acts of 1995, Chapter 15 of the Acts of 1996, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the City of Boston in the County of Suffolk and Commonwealth of Massachusetts, namely:

Parcel 1.

That certain parcel of land situated in that part of Boston formerly West Roxbury, bounded and described as follows:

EASTERLY — by Independence Drive, seventy-five and 9/100 (75.09) feet;

SOUTHERLY — by Lot 12 as shown on a plan drawn by Norwood Engineering Co., Inc., dated March 4, 1965, as modified and approved by the Land Court and filed with the Land Registration Office as Plan No. 20164E, three hundred ten and 17/100 (310.17) feet;

NORTHWESTERLY by Lot 2 as shown on Land Court Plan No. 20164B, eighty-one and 57/100 (81.57) feet;

NORTHERLY by Lot 4 as shown on Land Court Plan No. 20164C, two hundred eighty-one and 32/100 (281.32) feet.

Said Parcel 1 is shown as lot 14 on said Land Court Plan No. 20164E.

Said Parcel 1 is subject to the rights and easements set forth in a deed from John Niles and Donal R. Sisk, Trustees of Westbrook Commercial Trust, to Harvard Community Health Plan, Inc., dated March 14, 1985, and filed with Suffolk County Registry District of the Land Court as Document No. 388453, as amended by an Easement Agreement by and between John Niles and Donal R. Sisk, Trustees as aforesaid, and Harvard Community Health Plan, Inc., dated as of March 14, 1985, and filed with said Registry District as Document No. 402367, and as modified by an Amendment of Easement by and among Independence Drive Limited Partnership, Edward E. Zuker, Trustee of Hancock Village Realty Trust, Harvard Pilgrim Health Care, Inc., and Edward E. Zuker and HAWOOD SC Corp., Trustees of Westbrook Village Realty Trust, dated December 15, 1995, and filed with said Registry District as Document No. 534918.

Parcel 2.

That certain parcel of land situated in that part of Boston formerly West Roxbury, bounded and described as follows:

SOUTHEASTERLY by Veterans of Foreign Wars Parkway, two hundred fifty-seven and 72/100 (257.72) feet;

SOUTHWESTERLY by lands of sundry adjoining landowners as shown on Land Court Plan No. 20164F, referred to below, one thousand one hundred eighty-seven and 97/100 (1,187.97) feet;

NORTHWESTERLY three hundred seventy-eight and 44/100 (378.44) feet;

SOUTHWESTERLY eight hundred thirty-five and 92/100 (835.92) feet by land now or formerly of Boston Catholic Cemetery Association;

NORTHWESTERLY seven hundred twenty-seven and 49/100 (727.49) feet;

SOUTHWESTERLY sixty-six (66.00) feet by land now or formerly of Gottlieb F. Burkhardt, et al;

NORTHWESTERLY by said land of Burkhardt and by land now or formerly of Bonelli-Adams Company, seven hundred fifty-two and 9/100 (752.09) feet;

SOUTHEASTERLY by Lot 4 as shown on Land Court Plan No. 20164C, six hundred forty-six and 3/100 (646.03) feet;

EASTERLY by said Lot 4, one thousand four hundred twenty (1,420.00) feet;

SOUTHEASTERLY by Lot 14 as shown on Land Court Plan No. 20164E, eighty-one and 57/100 (81.57) feet;

SOUTHERLY by Lot 13 as shown on Land Court Plan No. 20164E, sixty and 55/100 (60.55) feet;

SOUTHEASTERLY by said Lot 13 by three lines measuring respectively one hundred fifty-three and 25/100 (153.25) feet, one hundred fourteen and 36/100 (114.36) feet, and sixty-one and 74/100 (61.74) feet; and

NORTHEASTERLY by said Lot 13, four hundred thirty-seven and 78/100 (437.78) feet.

Said Parcel 2 is shown as Lot 15 on a subdivision plan drawn by Norwood Engineering Company, Inc., dated December 11, 1985, as approved and modified by the Land Court and filed with the Land Registration Office as Plan No. 20164F.

Said Parcel 2 has the benefit of restrictions reserved in a deed of John Niles and Donal R. Sisk, Trustees of Westbrook Commercial Trust, to Harvard Community Health Plan, Inc., dated March 14, 1985, and filed with said Registry District as Document No. 388453, as modified by an Amendment of Easement by and among Independence Drive Limited Partnership, Edward E. Zuker, Trustee of Hancock Village Realty Trust, Harvard Pilgrim Health Care, Inc., and Edward E. Zuker and HAWOOD SC Corp., Trustees of Westbrook Village Realty Trust, dated December 15, 1995, and filed with said Registry District as Document No. 534918.

Parcel 3.

Three certain parcels of land situated on the Veterans of Foreign Wars Parkway, in that part of Boston formerly West Roxbury, being shown as Lots 1, 2, and 3 on a plan of land in Boston (West Roxbury) dated June 16, 1936, by Bates and Chellman Engineers, recorded with the Suffolk County Registry of Deeds in Book 6599, Page 480, to which plan reference is hereby made for a more particular description.

Said lots are also shown as Lot K on a plan by George C. Hallisey, recorded with said Deeds in Book 6651, Page 37.

Parcels 1, 2 and 3 as above described, are the same premises described respectively as Parcels One, Two and Three in a deed from Edward J. Faneuil, Trustee of Hawood Land Realty Trust, to Independence Drive Limited Partnership, dated March 4, 1996, and filed with the Suffolk County Registry District of the Land Court as Document No. 511329, and recorded with the Suffolk County Registry of Deeds in Book 18908, Page 294. These same properties are represented upon the Boston Assessors Tax Map as Parcel 6994-50, Parcel 6995, and Parcel 6996, and together comprise approximately 47.09 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Independence Drive and Veterans of Foreign Wars Parkway, if any, which may be held by the supposed owners of record. The Commission hereby deems it necessary to withhold the sum of $ 333,000.00 from the pro tanto amount listed below, which sum shall be delivered to the supposed owners of record if said owners remove construction debris from the site and complete environmental remediation in accordance with regulations promulgated by the state Department of Environmental Protection, and if such work is completed within five (5) months of the recording and filing of this order.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

AND IT IS FURTHER ORDERED: That the Commission does hereby order the taking of and does hereby take a permanent non-exclusive right of way easement twenty feet (20') in width for park and reservation and protection of open space purposes, under the provisions of said Chapter 79, in the name and behalf of the Commonwealth of Massachusetts, in, on, and over that certain parcel of land situated in the aforesaid City and County and Commonwealth shown as Lot 4 on a subdivision plan drawn by Hayes Engineering Inc., dated January 8, 1980, as approved and modified by the Land Court and filed with the Land Registration Office as Plan No. 20164C, which Lot 4 as aforesaid abuts Parcels 1 and 2 as above described, and which easement area shall be located in, on and over said Lot 4 pursuant to the following provisions.

The permanent easement area of twenty (20') feet in width taken hereby comprises approximately 19,093 square feet and is shown on a plan drawn by Norwood Engineering Co., Inc., dated June 4, 1996, entitled "Easement Plan of Land in W. Roxbury (Boston), Mass.", which plan (hereinafter referred to as the "Easement Plan") shall be filed with the Suffolk County Registry District of the Land Court with this order and made a part hereof, which plan is on file with the Commission and to which plan reference may be made for a more particular description.

This permanent non-exclusive right of way as shown on said Easement Plan is taken hereby solely to ensure the right to pass and repass for the general public and the Commission, its employees, staff, agents, contractors, invitees and all others so authorized by the Commission and its successor agency or agencies, for access to Parcels 1, 2 and 3, as above described, together with the right to use said right of way in common with such others as may have rights therein. Nothing set forth within this order shall be construed to otherwise limit or exclude the permitted, proper and lawful uses of the said easement area by all such others as may have rights therein, regardless of the location of same on said Lot 4.

The Commission hereby expressly grants the owner of record of said Lot 4 and all successors in title, the right to alter or relocate the permanent easement area as above described, so as not to interfere with the development of said Lot 4; provided, however, that the right to pass and repass taken hereby shall not be interrupted at any time; provided further, that at such time or times the owner or its successors in title desire to so alter or relocate said right of way easement area, the altered or relocated area shall not measure less than twenty feet (20') in width at its narrowest part; and provided further, that at such time or times the owner or its successors in title desire to so alter or relocate said right of way easement area, said owner shall at its sole expense prepare a recordable survey plan of the revised configuration of the easement area and submit same to the Commission for its approval prior to submission to any other public board or agency authorized to approve such plan before recordation or filing. The approval of such plans by the Commission shall not be unreasonably withheld, nor shall such approval be deemed to constitute a limitation, contingency or condition to or an additional requirement for any requisite approval from or by any and all other public agencies, boards, commissions or bodies, regarding the development and use of the subject property, including but not limited to development plans, zoning approvals, licenses, and permits.

The Commission hereby takes the right to install or otherwise construct utilities or utility systems on, over, through or under said right of way easement area. The Commission does hereby reserve the right to install, maintain, repair, replace, renovate, slope and grade that unpaved portion of the right of way shown on said Easement Plan as containing 7,434 square feet, and any other unpaved portion or portions of any replacement right of way which

has been altered or relocated on said Lot 4 pursuant to this order of taking. The Commission also does hereby reserve the right to site, install, maintain, and replace appropriate signage within said right of way easement area in order to identify and regulate the right of way easement area for effective and safe use by the general public, in a manner which will seek to minimize its impact upon the use of the area by all such others as may have rights therein. Such signage shall be installed and maintained by the MDC Division of Reservations and Historic Sites or its successor division or department, but not without prior notification to all abutting owners, and not without seeking prior agreement regarding same, if possible, with such abutting owners.

Nothing stated within this order shall preclude the said Division from entering into any agreement or agreements with the owner or owners of said Lot 4 regarding the shared or cooperative use, care and maintenance of this easement area, including but not limited to the siting of gates, fencing and landscaping to secure and improve the premises.

This order of taking constitutes a "transfer" for purposes of the Amendment of Easement cited above, dated December 15, 1995, and filed with the said Registry District as Document No. 534918, and to the extent legally applicable, nothing shown on said Easement Plan or set forth within this order of taking document shall be deemed to violate or otherwise modify or alter the terms of said Amendment of Easement by and among the parties thereto.

The concurrences of the Park and Recreation Commissioners of the City of Boston, pursuant to section 79 of Chapter 92 of the General Laws, as amended, are either attached hereto or shall be recorded with said Deeds and made a part hereof.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNERS	AWARD
Independence Drive Limited Partnership	$ 6,559,000.00
Edward E. Zuker, Trustee of Hancock Village Realty Trust	$ 345,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $6,559,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A, provided $333,000.00 is withheld from that amount until construction debris has been removed from the site and environmental remediation completed in accordance with regulations promulgated by the state Department of Environmental Protection.
The Commission further V O T E D: to take by said order of taking a right of way in, on and over land owned by Edward E. Zuker, Trustee, located in the City of Boston, Massachusetts.
The Commission further V O T E D: to approve an award of damages in the amount of $345,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

Action was taken upon the following matter relating to the Recrational Facilities and Programs Division:

1. Report of Mr. Doak, May 29, submitting for approval and execution Permit-Agreement between the Metropolitan District Commission and Slopes, Inc., (formerly Recreational Sports, Inc.), to operate the Blue Hills Ski Area in Canton, from May 1, 1996 to March 31, 1997.
Associate Commissioner Carr questioned whether Recreational Sports, In., is in arrears in payment for prior Permits held for operation of the Blue Hills Ski Area. It was noted that Recreational Sports, Inc., owes the MDC $13,000.00.
Mr. Stuart Beers, who was in attendance explained that Recreational Sports, Inc., hopes to be out of Bankruptcy Court in a few weeks and at that time will make payment to its creditors.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Permit-Agreement, dated June 13, 1996, with Slopes, Inc., (formerly Recreational Sports, Inc.), to operate the Blue Hills Ski Area in Canton, from May 1, 1996 to March 31, 1997, which was signed by the Commissioner and three Associate Commissioners.

Adjourned at 9:55 a.m., to meet on Thursday, June 20, 1996, at 9:00 a.m.

William J. Cusack
Secretary

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Record of the Three Thousand Seven Hundred and Seventy Seventh (3777th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, June 20, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meeting held on June 5, 1996 were read and approved.
Associate Commissioner Elkort noting that she was not at the Commission Meeting of June 5, 1996, abstained from voting on this matter.

The Secretary submitted the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Contract No. WM86-004-C2A, dated June 20, 1996, with RDA Construction Corporation, for Expedient Remedial Repairs and Reconstruction, Training Wall, Stearns Dam, Framingham.

2. Contract-Agreement No. P95-1763-X1A, dated June 20, 1996, with Weston and Sampson Engineers, Inc., for Services of a Licensed Site Professional to Oversee the Assessment and Clean-Up of as Many High Priority Sites as Funds Will Allow.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher and Haider, March 27, recommending the following on Contract No. P96-1816-C1A, with P. H. Mechanical Corporation, for Installation of Heating and Dehumidification System, Connell Pool, Weymouth -
(a) That work be accepted as completed as of March 1, 1996.
(b) That Estimate No. 3 (Final), in the amount of $66,393.36, be approved for payment.
(c) That reserve, in the amount of $6,712.50, be approved for payment.
(Basis of Award - $127,450.00)
(Amount to Date - $134,250.00)
(Contract Performance Rating - 4.60)
(EEO Compliance Rating - 4.00)
The Commission V O T E D: that the work of P. H. Mechanical Corporation, Contractor under Contract No. P96-1816-C1A, be and hereby is accepted as completed as of March 1, 1996.
The Commission further V O T E D: to approve Estimate No. 3 (Final), in the amount of $66,393.36, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $6,712.50, for payment.

4. Report of Messrs. Faucher, Brooks and Martinez, June 13, on bid for Repairs and Repowering of 56 Foot LCM - 6 on 56CM6759, Contract No. RE95-02-X1A.
(Messrs. Faucher, Brooks and Martinez recommend acceptance of the only bid received, that of D. N. Kelly & Son, Inc., Shipyard, of $58,006.00).

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The Commission V O T E D: to accept the only bid received, that of D. N. Kelly & Son, Inc., Shipyard, of $58,006.00.

1. Report of Messrs. Faucher, Brooks and Martinez, May 15, recommending the following on Contract No. P96-1830-C1A, with D'Allessandro Corporation, for New Sewer System at Simoni Rink, Cambridge, Phase I, Building to City Sewer Connections -
(a) That work be accepted as completed as of April 1, 1996.
(b) That Estimate No. 2 (Final),in the amount of $1,226.83, be approved for payment.
(c) That reserve, in the amount of $645.70, be approved for payment.
(Basis of Award - $12,914.00)
(Final Cost - $12,914.00)
(Contract Performance Rating - 4.00)
(EEO Compliance - 4.75)
The Commission V O T E D: that the work of D'Allessandro Corporation, Contractor under Contract No. P96-1830-C1A, be and hereby is accepted as completed as of April 1, 1996.
The Commission further V O T E D: to approve Estimate No. 2 (Final),in the amount of $1,226.83, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $645.70, for payment.

2. Report of Mr. Faucher and Ms. Pomorska, June 10, recommending approval of revisions in quantities on the following items on Contract No. P95-1758-C1A, with Coviello Electric & General Contracting Co., Inc., for Construction of Traffic Signals on Ocean Avenue, at the Intersection of Beach Street, Revere -

Item No. 017-010	**$528.00**
Traffic Signal Detector Loops	
Item No. 019-010	**$324.50**
Reflectorized Pavement Markings 12"	
Item No. 020-010	**$ 85.00**
Reflectorized Pavement Markings 4"	
	Total - $937.50

(At no additional Contract cost as the revisions will be offset by unused quantities in Item Nos. 015-010 - Aluminum Traffic Sign and 018-010 - Pavement Markings Removal - Thermoplastic).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and Lespasio, May 10, recommending the following on Contract No. P96-1852-D4A, with Barnes and Jarnis, Inc., for Emergency Engineering Services for Inspection and Evaluation of Roof Structures at the Somerville, Cambridge, Brighton and Weymouth Skating Rinks -
(a) That the Contract be accepted as complete as of January 18, 1996.
(b) That Invoice No. 1 (Final), in the amount of $6,718.88, be approved for payment.
(Upset Limit - $25,000.00)
(Final - $ 6,718.88)
(Consultant Rating - 9.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Barnes and Jarnis,

Inc., Consultant under Contract No. P96-1852-D4A, be and hereby is accepted as complete as of January 18, 1996.
The Commission further V O T E D: to approve Invoice No. 1 (Final), in the amount of $6,718.88, for payment.

1. Report of Messrs. Faucher and Lespasio, May 10, recommending the following on Contract No. P96-1852-D3A, with Zaldastani Associates, Inc., for Emergency Engineering Services for Inspection and Evaluation of Roof Structures at the Charlestown, Brighton, West Roxbury and South Boston Skating Rinks -
(a) That the Contract be accepted as complete as of February 16, 1996.
(b) That Invoice No. 1 (Final), in the amount of $39,622.93, be approved for payment.
(Upset Limit - $50,000.00)
(Final - $39,622.93)
(Consultant Rating - 9.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Zaldastani Associates, Inc., Consultant under Contract No. P96-1852-D3A, be and hereby is accepted as completed as of February 16, 1996.
The Commission further V O T E D: to approve Invoice No. 1 (Final), in the amount of $39,622.93, for payment.

2. Report of Messrs. Faucher and Lespasio, May 10, recommending the following on Contract No. P96-1852-D1A, with Roy Associates, Inc., for Emergency Engineering Services for Inspection and Evaluation of Roof Structures at the Hyde Park, Charlestown and North End Skating Rinks -
(a) That the Contract be accepted as complete as of February 1, 1996.
(b) That Invoice No. 1 (Final), in the amount of $15,492.48, be approved for payment.
(Upset Limit - $25,000.00)
(Final - $15,492.48)
(Consultant Rating - 9.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Roy Associates, Inc., Consultant under Contract No. P96-1852-D1A, be and hereby is accepted as completed as of February 1, 1996.
The Commission further V O T E D: to approve Invoice No. 1 (Final), in the amount of $15,492.48, for payment.

3. Report of Messrs. Faucher and Lespasio, May 10, recommending the following on Contract No. P96-1852-D2A, with Vollmer Associates LLP, for Emergency Engineering Services for Inspection and Evaluation of Roof Structures at the Dorchester, Waltham and Cleveland Circle Skating Rinks -
(a) That the Contract be accepted as complete as of January 15, 1996.
(b) That Invoice No. 1 (Final), in the amount of $3,264.47, be approved for payment.
(Upset Limit - $25,000.00)
(Final - $ 3,264.47)
(Consultant Rating - 9.00 with 10.00 being excellent)
(EEO Compliance - N/A)

The Commission V O T E D: that the work of Vollmer Associates LLP, Consultant under Contract No. P96-1852-D2A, be and hereby is accepted as completed as of January 15, 1996.
The Commission further V O T E D: to approve Invoice No. 1 (Final), in the amount of $3,264.47, for payment.

1. Report of Messrs. Faucher and Abounaja, March 26, requesting an Amendment to the Commission vote of November 30, 1995, which approved Project No. P96-1835-D1A, for Unquity Dump Landfill Capping, Blue Hills Reservation, Milton, by changing approved Account No. 2440-7849 to 2441-9952. All other terms and conditions of the vote remain in effect.
The Commission V O T E D: to amend the Commission vote of November 30, 1995, which approved Project No. P96-1835-D1A, for Unquity Dump Landfill Capping, Blue Hills Reservation, Milton, by changing approved Account No. 2440-7849 to 2441-9952. All other terms and conditions of the vote remain in effect, as requested by Messrs. Faucher and Abounaja in their report of March 26, 1996.

2. Report of Messrs. Faucher and Jackson, June 12, recommending approval of the request of J. J. Phelan and Son Company, Inc., General Contractor on Contract No. P96-1832-C1A, for Park Construction at Kent's Carpetland Parcel, Quincy Shore Drive, Quincy, to engage the services of Sweezey Fence Erectors, as sub-contractor for the following items -

Item No. 000-009	$5,845.00
Installation of Chain Link Fence	
Item No. 000-010	$3,800.00
Installation of Wood Guard Rail	
Total -	$9,645.00

(At no increase in Contract cost).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and Jackson, June 13, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P95-1784-C1A, for Rehabilitation of Mothers Rest Pavilion and Marine Park Bandstand,
South Boston.
Estimated Cost - $375,000.00.
Time for Performance - start in September 1996 and completed by end of year.
Account No. 2440-8956.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P95-1784-C1A, for Rehabilitation of Mothers Rest Pavilion and Marine Park Bandstand, South Boston.

4. Report of Messrs. Faucher and Mayhew, June 12, on bids for Building Demolition and Site Improvements, Victory Road, Dorchester, Contract No. P96-1831-C1A.
(Messrs. Faucher and Mayhew recommend acceptance of the lowest bid received, that of Wayne & Company, Inc., of $16,344.00).
The Commission V O T E D: to accept the lowest bid received, that

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of Wayne & Company, Inc., of $16,344.00.

1. Report of Messrs. Faucher and McCalla, June 13, on bids for Maintenance of Prime Power and Emergency Generators at Various Locations, Contract No. P96-1849-M1A.
(Messrs. Faucher and McCalla recommend acceptance of the only bid received, that of F. M. Emergency Generator, Inc., of $73,800.00).
The Commission V O T E D: to accept the only bid received, that of F. M. Emergency Generator, Inc., of $73,800.00.

2. Report of Messrs. Faucher and McCalla, June 13, on bids for Electrical, Electronic and Sound System Maintenance Work at Sports Facilities, Recreational Areas and MDC Buildings Throughout the Metropolitan District, FY97 and FY98, Contract No. P96-1861-M1A.
(Messrs. Faucher and McCalla recommend acceptance of the lowest bid received, that of Coviello Electric and General Contracting Company, Inc., of $369,000.00).
Funding for FY97 and FY98 contingent upon sufficient funds being made available in Account No. 2440-0010 - through the annual budgetary appropriation process.
The Commission V O T E D: to accept the lowest bid received, that of Coviello Electric and General Contracting Company, Inc., of $369,000.00.

3. Report of Messrs. Faucher and Machado, June 11, recommending approval of a revision in quantities on Item No. 019-010 - Cement Concrete Walks, Driveways, Medians and Traffic Islands, 6" Thick - at a cost of $110,000.00, on Contract No. P95-1803-C1A, with J. Marchese and Sons, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations Throughout the Metropolitan District.
(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 001-010, 004-010, 006-010, 009-010, 010-010, 012-010, 017-010, 018-010, 020-010, 023-010, 024-010, 025-010, 026-010, 027-010 and 011-010).
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher and Arinella, June 10, on bids to Service, Maintain and Repair Heating, Ventilating and Air Conditioning Systems at Various Flood Control/Navigation Sites, Contract No. P96-1845-M1A.
(Messrs. Faucher and Arinella recommend acceptance of the lowest bid received, that of Fallon-Williams Service of $49,200.00).
The Commission V O T E D: to accept the lowest bid received, that of Fallon-Williams Service of $49,200.00.

5. Report of Messrs. Faucher and Arinella, June 10, on bids for Service to Underwater Structures at Various Flood Control/ Navigation Sites, Contract No. P96-1844-M1A.
(Messrs. Faucher and Arinella recommend acceptance of the lowest bid received, that of Construction Divers, Inc., of $47,360.00).
The Commission V O T E D: to accept the lowest bid received, that of Construction Divers, Inc., of $47,360.00.

1. Report of Messrs. Faucher, Brooks and Haider, June 12, on bids for Maintenance of Elevators at MDC Headquarters Building for Fiscal Year 1997 and Fiscal Year 1998, Contract No. P96-1860-M1A.
(Messrs. Faucher, Brooks and Haider recommend acceptance of the only bid received, that of Montgomery-Kone, of $31,912.00).
Funding for FY97 and FY98 contingent upon sufficient funds being made available in Account No. 2440-0010-LL through the annual budgetary appropriation process.
The Commission V O T E D: to accept the only bid received, that of Montgomery-Kone, of $31,912.00.

2. Report of Mr. Faucher, June 18, recommending the following on Contract No. P96-1852-C1A, with Modern Continental Construction Co., Inc., for Emergency Removal of Snow From Rink Roofs and Emergency Repairs to the Roof Structure, Hyde Park and Weymouth Rinks -
(a) That work be accepted as completed as of January 31, 1996.
(b) That Estimate No. 2 (Final), in the amount of $99,014.56, be approved for payment.
(Basis of Award - $550,000.00 - Upset Limit)
(Amount to Date - $499,014.56)
(Contract Performance Rating - 5.00)
(EEO Compliance Rating - N/A)
The Commission V O T E D: that the work of Modern Continental Construction Co., Inc., Contractor under Contract No. P96-1852-C1A, be and hereby is accepted as completed as of January 31, 1996. The
Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $99,014.56, for payment.

3. Report of Messrs. Faucher and Arinella, June 10, on bids for Service to Hydraulic Power Systems at Various Flood Control Navigation Sites - Contract No. P96-1843-M1A.
(Messrs. Faucher and Arinella recommend rejection of the low bid of George B. Smith & Sons, Inc., as this firm does not have five years experience as required under terms of the Contract. They further recommend award of the contract to the second lowest qualified bidder, Mobile Hydraulic Service Company, with a bid of $34,350.00).
The Commission V O T E D: to reject the low bid of George B. Smith & Sons, Inc., as this firm does not have five years experience as required under terms of the Contract.
The Commission further V O T E D: to award Contract No. P96-1843-M1A, for Service to Hydraulic Power Systems at Various Flood Control Navigation Sites, to the second lowest qualified bidder, Mobile Hydraulic Service Company, with a bid of $34,350.00, as recommended by Messrs. Faucher and Arinella in their report of June 10, 1996.

4. Report of Messrs. Faucher and Sacco, June 11, recommending approval of the following on Contract No. P85-1341-C1A, with John J. Paonessa Co., Inc., for Rehabilitation of Lynn Shore Drive, Lynn -

REVISIONS IN QUANTITIES

Item No. 024-040 -	Temporary Precast Barrier	$ 20,250.00

Item No. 024-041 -	Temporary Barrier-Dam/Reset	$ 44,000.00
Item No. 050-010 -	Cement Concrete Masonry	$224,250.00
Item No. 058-200 -	Concrete Parapet	$129,375.00
Item No. 059-010 -	Single Horiz. Railing	$106,000.00
	Total =	$523,875.00

ALTERATIONS

No. 1 -	Oversight in Contract Bid Document	$ 5,676.00
No. 2 -	Alteration of Proposed Work on Stairway 5	$ 57,625.00
No. 3 -	Alterations Made at Lynn Water & Sewer Commissions Energy Dissipation Unit - no cost	
No. 4 -	Alterations to the Proposed Repairs to the Tower, at a credit to the Commission	$108,844.25
No. 5 -	Substitution in Item 054-010 - Shotcrete - at a credit to the Commission	$ 15,750.00
No. 6 -	Alterations to Item No. 072-010 to the Proposed Relocation of the 24" Swampscott Force Main	$611,958.83

EXTRA WORK ORDER

No. 2 -	Additional Time and materials on Extra Work Order No. 1	$481,888.43

Messrs. Faucher and Sacco further recommend that the Commission ratify the action of Deputy Director Faucher in authorizing Alteration No. 6 - Swampscott Force Main at a cost of $611,958.83 and Extra Work Order No. 2 - Stacey Brook Culvert Bypass at a cost of $481,888.43.
(Additional net Funding for Alteration No. 6 and Extra Work Order No. 2, available in Account No. 2490-8910).
Mr. Sacco reviewed the project components with the Commission. He then explained that the project ran into many problems including alterations in design at Stacey Brook caused by inadequate design by the project consultant. The Commission, he noted, gave approval to the Division to proceed with the Alterations to correct the deficiency caused by the design and other factors.
After the start of work on the Alterations, the MDC Engineers encountered numerous problems with a change in sub-surface conditions; inaccurate as-built drawings for the Swampscott Force Main; safety related extra work; need for additional materials and severe winter conditions, Mr. Sacco stated.
Mr. Sacco explained that work continued on the project, even with the many problems because of a commitment made to the City of Lynn, the Lynn Water & Sewer Commission and the Town of Swampscott, to complete this portion of the project by a specified date.
In addition he noted, a review of the entire project was undertaken over the winter months and findings were such, that many alterations, revisions, changes and deletions, were recommended to insure that the Contract would remain on track without further interruptions.
Associate Commissioner Carr asked if the Commission is actively pursuing the recovery of additional costs and damages inflicted on the Commission.
Mr. Sacco replied in the affirmative. He stated that the Attorney General's Office is aware of the situation and is pursuing recovery of damages on behalf of the Commission from

both the Consultant and the Contractor.
Associate Commissioner Carr noted that the Commission has no alternative but to approve the recommended action. He pointed out that in his opinion, even though the Division had limited time for review of the project prior to bidding, that in the future we should not be forced into moving forward to accommodate other entities.
Following a lengthy discussion, Associate Commissioner Carr requested that the Legal Counsel's Office provide the Commission with an update of the status of the efforts to recover damages incurred by the Commission as a result of this project.
The Commission V O T E D: to approve the Revisions in Quantities in the amount of $523,875.00.
The Commission further V O T E D: to approve Alteration No. 1, in the amount of $5,676.00.
The Commission further V O T E D: to approve Alteration No. 2, in the amount of $57,625.00.
The Commission further V O T E D: to approve Alteration No. 3, at no cost to the Commission.
The Commission further V O T E D: to approve Alteration No. 4, at a credit to the Commission, in the amount of $108,844.25.
The Commission further V O T E D: to approve Alteration No. 5, in the amount of $611,958.83.
The Commission further V O T E D: to approve Extra Work Order No. 2, in the amount of $481,883.43.
The Commission further V O T E D: to ratify the action of Deputy Director Faucher in authorizing Alteration No. 6 - Swampscott Force Main at a cost of $611,958.83 and Extra Work Order No. 2 - Stacey Brook Culvert Bypass at a cost of $481,883.43, as recommended by Messrs. Faucher and Sacco in their report of June 11, 1996.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Robert O'Connor, May 28, requesting approval of the 1996 Quabbin Reservation Controlled Deer Hunt, as outlined in Table 1 of the report.
Messrs. McGinn and Robert O'Connor further request approval to close the controlled hunt areas outlined in Table 1 to all persons except those with official MDC access permits, for the following periods for each area -
Pelham - December 1-4
New Salem - December 2-5
Hardwick - December 4-7
Petersham - December 3-7.
The Commission V O T E D: Approved as requested by Messrs. McGinn and O'Connor in their report of May 28, 1996.

2. Report of Messrs. McGinn and Kane, June 12, submitting for approval Work Schedule, Project Summary, Project Justification and authorization to advertise Project No. WM94-008-C1A, to Furnish and Install Emergency Electrical Generator and Associated Work, at the Quabbin Administration Complex, Belchertown.
Time for Performance - estimated at six months.

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Estimated Cost - $75,000.00.
Account No. 2420-1400.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. WM94-008-C1A, to Furnish and Install Emergency Electrical Generator and Associated Work, at the Quabbin Administration Complex, Belchertown.

1. Report of Messrs. McGinn and Kane, June 12, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. WM96-048-C1A, for Improvements to the Electrical System, at the Division of Watershed Management, Field Administration Complex, West Boylston.
Estimated Cost - $35,000.00.
Time for Performance - four months from Notice to Proceed.
Account No. 2420-1400.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. WM96-048-C1A, for Improvements to the Electrical System, at the Division of Watershed Management, Field Administration Complex, West Boylston.

2. Report of Mr. McGinn, May 20, submitting for approval revised request for preliminary approval of project No. WM95-061-D1A, Amendment No. 2, for West Boylston - Holden Fast Track Sewer Design - for an Environmental Impact Report.
(At a cost not to exceed $110,030.00 which reverses the total contract cost to $448,773.00).
Account No. 2420-1400.
Mr. McGinn further requests that the Contract Administrator and General Counsel prepare the documents for execution.
The Commission V O T E D: Approved as requested by Mr. McGinn in his report of May 20, 1996.
The Commission further V O T E D: to direct the Contract Administrator and General Counsel to prepare the documents for execution.

3. Report of Mr. McGinn, May 20, submitting for preliminary approval Project No. WM95-061-D2A, for Fast Track Sewer Design - Holden and West Boylston.
Estimated Cost - $400,000.00.
Account No. 2420-1400.
The Commission V O T E D: Approved.

Action was taken upon the following matters relating to the Office of Planning:

4. Report of Mrs. O'Brien, April 29, submitting for approval Project Summary, Project Justification, Work Schedule and requesting authorization to advertise Project No. PL-92-017-C1A, for Upper Charles River Reservation Restoration Program - Phase IA (Watertown Segment).
Estimated Cost - $825,000.00 - of which $125,000.00 is available in MDC Account No. 2410-7872 and Federal funds

totally $700,000.00, have been received from Mass Highway and are available in Account No. 2410-9513.
Time for Performance - twelve months.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. PL-92-017-C1A, for Upper Charles River Reservation Restoration Program - Phase IA (Watertown Segment).

1. Report of Mrs. O'Brien, June 14, submitting for approval and execution Interdepartmental Service Agreements (ISAs) between the MDC and Massachusetts Highway Department for: Central Services Facilities Design, Construction and Land Acquisition; New Charles River Basin Land Acquisition, Phase One.
Mrs. O'Brien further requests that Commissioner Balfour be authorized to execute the ISAs on behalf of the Commission.
The Commission V O T E D: Approved.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the ISAs on behalf of the Commission.

2. Report of Mrs. O'Brien, June 18, recommending approval and execution of a Contract-Agreement, with John Pegg, for Intern Services, MDC Planning Office, for a period not-to-exceed ten weeks, at a cost not-to-exceed $3,000.00.
Account No. 2490-8915.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract-Agreement, dated June 20, 1996, with John Pegg, which was signed by the Commissioner and three Associate Commissioners.

3. Report of Mrs. O'Brien, June 18, requesting re-execution of Contracts with Daniel Driscoll and David T. Queeley which were originally executed by the Commission at the Meeting of April 25, 1996.
(There are no changes in the scope or budgets. A new updated form has to be executed).
(Account No. 2490-8915 - Chapter 33 - Acts of 1991).
The Secretary submitted for signature Contract-Agreements, dated June 20, 1996, with Daniel Driscoll and David T. Queeley, which were which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following Various Matters:

4. Report of Mr. Jewett, June 12, requesting that the Commission Amend its vote of November 9, 1995, awarding Professional Real Estate Title Examination Services for Wachusett, Ware River and Quabbin Watershed Ares, Worcester and Franklin Counties (MDC Open Order Contract No. RP96-0002), to Brundrett & Moutinho, by increasing the value of the work from $17,275.00 to $17,775.00.
Mr. Jewett further request that the Commission authorize Commissioner Balfour to execute the Amendment on its behalf.
Account No. 2421-9936.
The Commission V O T E D: to amend its vote of November 9, 1995, awarding Professional Real Estate Title Examination Services for

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Wachusett, Ware River and Quabbin Watershed Ares, Worcester and Franklin Counties (MDC Open Order Contract No. RP96-0002), to Brundrett & Moutinho, by increasing the value of the work from $17,275.00 to $17,775.00.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Amendment on its behalf.

1. Report of Miss Overton, June 18, requesting approval and authorization for Commissioner Balfour to execute, on behalf of the Commission, a Contract with John A. Clarkeson, for Program Coordination Services for the Neponset River Watershed Project.
Cost-not-to-exceed $22,033.50 - including $1,500.00 for travel expenses.
Time for Performance - 37.5 hours per week, for a period of six months.
Account No. 2441-8886.
The Commission V O T E D: Approved.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Contract-Agreement on behalf of the Commission.

2. Report of the Concession Selection Committee, June 18, recommending award of a Permit to Commonwealth Sports to Rent Beach Equipment, including Jet Skis and Beach Chairs, on a trial basis for the 1996 Summer Season at Revere Beach.
Compensation to the Commission will be $500.00 per month, subject to review at the end of the season.
The Commission V O T E D: to award a Permit to Commonwealth Sports, for Rental of Beach Equipment, including Jet Skis and Beach Chairs, on a trial basis for the 1996 Summer Season, at Revere Beach, with Compensation to the Commission in the amount of $500.00 per month, subject to review at the end of the season.

3. Report of the Concession Selection Committee, June 19, recommending award of Concession Permits for the 1996 Summer Season at Pearce Lake, Breakheart Reservation, Saugus and Nahant Beach, adjacent to the Ward Bathhouse, Nahant and for the 1996-1997-1998 seasons at George's Island.
The Commission V O T E D: to approve as recommended by the Concession Selection Committee in their report of June 19, 1996, the award of Concession Permits as follows:

LOCATION	**CONCESSIONAIRE**	**COMPENSATION**
Pearce Lake -	Sonny Boy Ice Cream	$5,215.00
Nahant Beach adjacent to the Bathhouse	Arrowhead Foods	$ 753.00
George's Island	M & M Marine Services, Inc.	$2,000.00 plus 10% of the net profit over $20,000.00.

1. Report of Mr. Doak, June 19, submitting for approval and execution Permit-Agreement with InMotion Promotions, Inc., for Inline Skating Lessons at Riverbend Park, Memorial Drive, Cambridge, on Sundays - June through October, for a one year trial period. Compensation to the Commission shall be 20 free clinics provided by InMotion Promotions, Inc.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Permit-Agreement, dated June 20, 1996, with InMotion Promotions, Inc., which was signed by the Commissioner and three Associate Commissioners.

2. Report of Mr. Jewett, June 20, on behalf of the Watershed Management Division requesting approval of a four month Contract with Rexford V. M. Baker, for Wachusett Private Lands Forestry Service, Contract No. WM96-041-X1A.
Time of Performance - July 1, 1995 through October 31, 1996.
Compensation - not-to-exceed $5,000.00, which includes travel expenses and shall be paid at the rate of $20.16 per hour.
Account No. 2420-1400.
The Commission V O T E D: Approved.

3. Report of Mr. Jewett, June 20, on behalf of the Watershed Management Division requesting approval of a four month Contract with Revet Environmental and Analytical Laboratories, Inc., for Laboratory Services for the Ware River, Quabbin and Wachusett Reservoir Watershed, Contract No. WM97-026-X1A.
Cost not-to-exceed - $10,000.00 paid on a unit price schedule.
Time of Performance - July 1, 1996 through October 31, 1996.
Account No. 2420-1400.
The Commission V O T E D: Approved.

Action was taken upon the following matters relating to the Office of Real Property:

4. Report of Mr. Gray, June 18, requesting approval of a Contract-Agreement for Professional Legal Services to Assist the Real Property Office for the FY97 Watershed Land Acquisition Program for Norman E. Bartlett II, and to authorize the Commissioner to sign on behalf of the Commission.
Contract Cost - not to exceed $9,300.00.
Time for Performance - three months
Account No. 2420-1400.
The Commission V O T E D: Approved.
The Commission further V O T E D: to authorize Commissioner Balfour to sign on behalf of the Commission.

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1. Report of Mr. Gray, June 18, recommending that the Commission adopt an Order of Taking for acquisition of approximately 13.765 acres of land owned by Donald R. Temple, et ux, located in the Town of Holden, Massachusetts, and to approve an award of damages in the amount of $30,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 13.765 acres of land owned by Donald R. Temple, et ux, located in the Town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 20, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Holden in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying off of the easterly side of Mason Road, and on the southerly line of the former Goddard Lane, reportedly an ancient way, now abandoned, traversed by the waters of Governor Brook, and shown as Parcel 2 upon a plan referenced at the conclusion of this description, more particularly bounded and described as follows:

Beginning at a drill hole found in a corner of stone walls at the southwesterly corner of the parcel herein being described, at other land of Temple to be retained, and shown as Parcel 1 on the plan cited below, and at a point in the northerly line of land, now or formerly of Orrin W. Jr. & Cynthia L. Mason, said drill hole being located 455.67 feet easterly of a drill hole found in the easterly line of Mason Road;

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Thence N. 03° 33′ 17" E., 294.64 feet, by the wall and Parcel 1, to an iron pipe found in a corner of walls at the northeasterly corner of Parcel 1, and the southeasterly corner of land, now or formerly of Robert S. Jr. & Kathleen H. Mirick;

Thence N. 03° 11′ 29" E., 150.05 feet, by the wall, to an angle point in the wall;

Thence N. 00° 07′ 18" E., 199.39 feet, by the wall, to a corner of walls in the southerly line of the Goddard Lane, the last two courses being by land now or formerly of Mirick;

Thence N. 79° 59′ 34" E., 321.46 feet, by the wall, to an angle point in the wall;

Thence N. 79° 56′ 45" E., 216.55 feet, by the wall, to an angle point in the wall;

Thence N. 83° 54′ 19" E., 42.26 feet, by the wall, to an angle point in the wall;

Thence N. 79° 03′ 41" E., 135.00 feet, by the wall, to a drill hole set in a corner of walls, at land late of Mirick now of the Commonwealth of Massachusetts, Division of Fisheries, Wildlife and Environmental Law Enforcement, said corner being the northeasterly corner of the parcel being described, the last four courses being by the southerly line of Goddard Lane;

Thence S. 01° 04′ 11" E., 62.16 feet, by the wall, to a drill hole set;

Thence S. 14° 00′ 37" E., 45.12 feet, by the wall, to a drill hole set;

Thence S. 00° 08′ 52" E., 276.90 feet, by the wall, to an angle point in the wall;

Thence S. 01° 54′ 21" E., 613.67 feet, by the wall, to a drill hole set in a corner of walls, at land, now or formerly, of Donald R. & Ann M. Haynes, and at land, now or formerly, of Orrin W. Jr. & Cynthia L. Mason, the last four courses being by land of the Commonwealth, DFWELE;

Thence N. 71° 59′ 11" W., 93.84 feet, by the wall, to a drill hole set;

Thence N. 73° 29′ 52" W., 704.40 feet, by the wall, to the found drill hole first mentioned, being the point and place of beginning, the last two courses being by land, now or formerly, of Mason.

Containing 13.765 acres, as shown, as Parcel 2, upon a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Division of Watershed Management, Holden (Worcester County) MA., Land Taking Plan For Watershed Protection", dated June 14, 1996, prepared by Andrysick Land Surveying, Inc., which plan shall be recorded with Worcester District Registry of Deeds at a later date, and made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Goddard Lane which may be held by the supposed owners as a result of their ownership of the above described property, and being the easterly rear portion of the same premises described in a deed from Marion E. Woodcock to Donald Raymond Temple and Jeanette Marie Temple, dated August 4, 1988 and recorded with Worcester District Registry of Deeds in Book 11529, Page 25.

The above described property is represented upon Holden Assessors Tax Map 5 as the easterly rear portion of Parcel 1.

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AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Donald Raymond Temple and Jeanette Marie Temple	$ 30,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $30,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 18, recommending that the Commission adopt an Order of Taking for acquisition of approximately 42 acres of land owned by Richard P. Drury, located in the Town of Boylston, Massachusetts, and to approve an award of damages in the amount of $180,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 42 acres of land owned by Richard P. Drury, located in the Town of Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 20, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land located in the northeasterly part of the said Town of Boylston, lying on the easterly side of the "Road from Boylston to Berlin", now known as Linden Street, more particularly bounded and described as follows:

Beginning at the northwesterly corner of the parcel herein being described at a point in the easterly layout line of Linden Street, a three rod wide public way laid out by the Worcester County Commissioners November 10, 1801, said point marking also the southwesterly corner of land, formerly of George A. Brewer, now or formerly, of Raymond W. & Helen M. Duffy, as shown upon a plan entitled "Plan Of Land In Boylston, Mass. Owner: Raymond W. & Helen M. Duffy", dated June 4, 1990, prepared by Guerard Survey Co. & Associates, and recorded with said Deeds as Plan 83 in Plan Book 638;

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Thence S. 87° 27′ 38" E., 63.42 feet, to a drill hole in a stone wall;

Thence On the same bearing, 59.90 feet, by the stone wall, to another drill hole in the wall;

Thence S. 88° 24′ 45" E., 99.46 feet, by the stone wall, to a drill hole in a corner of walls at land, formerly of Ruggles, later of Charles Barnes, more recently of the Estate of Daniel Kinsley Barnes, and, now or formerly, of the Philbin Brothers Trust, the last three courses being by land, now or formerly, of Duffy, as shown on the above cited plan;

Thence Southeasterly, about 792 feet, more or less, by the stone wall and land, now or formerly, of Philbin, to a point at a corner of walls;

Thence Easterly, about 462 feet, more or less, to an angle in the wall;

Thence Northerly, about 363 feet, more or less, to an angle on ledge, near swamp, the last three courses being by land, now or formerly, of Philbin;

Thence Easterly, about 231 feet, more or less, by a spring, to a point, at land formerly of Barnes;

Thence Southwesterly, to a heap of stones at land, formerly of John Brewer, later of Elias I. Longley, this course also being by land formerly of Barnes;

Thence S. 40° 15′ W., 551.1 feet, more or less, to stone or stones, at land formerly of Annie Seaver, this course being by land formerly of Longley;

Thence S. 46° W., 320.1 feet, more or less, to stones;

Thence S. 33° W., 396 feet, more or less, by land formerly of Seaver as shown on a plan of said Seaver land, to stone and stones on a ledge at land, formerly of N. Warren Wright;

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Thence Westerly, about 1485 feet, more or less, by land formerly of Wright, to a corner of walls at a point on the easterly side of Linden Street, said point marking the southwesterly corner of the parcel being described;

Thence Northeasterly, about 1270.5 feet, more or less, by the easterly line of Linden Street, to the first mentioned point at land, now or formerly, of Duffy, being the point and place of beginning.

Containing, by deed description, 42 acres, more or less.

Other than the recorded plan cited above, within the description, there are no known record plans of this, or any abutting parcels.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Linden Street which may be held by the supposed owner, as a result of his ownership of the above described property, and being the same premises described in a deed from Clifton W. Brewer, Administrator of the Estate of Alfred D. Brewer, to Richard P. Drury, dated November 25, 1953 and recorded with Worcester District Registry of Deeds at Book 3552, Page 26.

The above described property is represented upon Boylston Assessors Tax Map 215 as Parcel 26.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Richard P. Drury	$ 180,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $180,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 18, recommending that the Commission adopt an Order of Taking for acquisition of approximately 85.903 acres of land owned by Warren O. Thorell, et al, Devisees under the will of Signe E. Thorell, located in the Town of Princeton, Massachusetts, and to approve an award of damages in the amount of $380,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936. The Commission
V O T E D: to adopt an Order of Taking for acquisition of approximately 85.903 acres of land owned by Warren O. Thorell, et al, Devisees under the will of Signe E. Thorell, located in the Town of Princeton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 20, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Princeton in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the southeasterly side of Beaman Road opposite its intersection with Wilson Street, shown as Lot 1 upon an engineered survey plan cited at the conclusion of this description, more particularly bounded and described as follows:

Beginning at a drill hole found in a corner of walls, at a point in the southeasterly line of Beaman Road, said point marking the northeasterly corner of the parcel being described herein, and the northwesterly corner of land, now or formerly, of Charles C. Sullivan, said drill hole being located northeasterly 602 feet, more or less, from the intersection of Beaman Road and Wilson Street;

Thence S. 48° 44′ 51" E., 259.00 feet, by the stone wall, to a drill hole set;

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Thence S. 48° 53′ 33" E., 274.78 feet, by the wall, to a drill hole found;

Thence S. 48° 35′ 45" E., 267.23 feet, by the wall, to a drill hole set;

Thence S. 48° 41′ 50" E., 358.61 feet, by the wall, to a drill hole found;

Thence S. 49° 05′ 05" E., 169.53 feet, by the wall, to a drill hole set;

Thence S. 43° 56′ 22" E., 28.49 feet, by the wall, to a drill hole set at a corner of walls, and at land formerly of Howe, now of the Commonwealth of Massachusetts, Department of Environmental Management, identified as Reforestation Lot No. 193, the last six courses being by land now or formerly of the aforesaid Sullivan;

Thence S. 58° 03′ 26" W., 382.26 feet, by the stone wall, to a drill hole found at an intersection of stone walls;

Thence S. 33° 50′ 56" E., 323.51 feet, by the wall, to a drill hole set;

Thence S. 34° 33′ 08" E., 460.94 feet, by the wall, to a drill hole set;

Thence S. 34° 20′ 09" E., 338.80 feet, by the wall, to a drill hole set in a field stone bound found in a corner of walls at land now or formerly of Paul Pierozzi, the last four courses being by land of the Commonwealth, Reforestation Lot 193;

Thence S. 59° 37′ 41" W., 330.89 feet, by the wall, to a drill hole set;

Thence S. 58° 04′ 22" W., 349.85 feet, by the wall, to a drill hole set;

Thence S. 58° 53′ 59" W., 335.27 feet, by the wall, to a drill hole set;

Thence S. 58° 38′ 38" W., 339.75 feet, by the wall, to a drill hole set at a corner of walls;

Thence S. 58° 52′ 40" W., 146.82 feet, by the wall, to a drill hole set in a field stone bound found in a corner of walls at land now or formerly of William S. & Virginia L. Daly, the last five courses being by land now or formerly of the aforesaid Pierozzi;

Thence S. 59° 01′ 33" W., 245.63 feet, by the stone wall and land now or formerly of Daly, to a drill hole set at land, now or formerly, of Nellie P. & Alden G. Beaman;

Thence N. 19° 27′ 02" W., 390.87 feet, by the remains of a stone wall, to a drill hole set in a corner of walls;

Thence On the same bearing, 396.15 feet, by the wall, to a drill hole set;

Thence N. 24° 36′ 13" W., 132.59 feet, by the wall, to a drill hole set;

Thence N. 25° 19′ 48" W., 208.64 feet, to an MDC concrete bound set within a pile of stones found;

Thence N. 47° 53′ 02" W., 243.55 feet, to a drill hole set at a point in the southeasterly end of a stone wall;

Thence N. 48° 17′ 22" W., 167.45 feet, by the wall, to a field stone bound with drill hole set at a corner in the wall;

Thence N. 42° 52′ 22" E., 170.70 feet, by the wall, to a drill hole set at another corner in the wall;

Thence N. 45° 28′ 13" W., 236.95 feet, by the wall, to a drill hole set;

Thence N. 47° 31′ 41" W., 235.39 feet, by the wall, to a field stone bound with drill hole set at an intersection of walls;

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Thence N. 47° 31′ 38" W., 186.42 feet, by the wall, to a drill hole set at an intersection of walls;

Thence N. 46° 47′ 28" W., 250.12 feet, by the wall, to an iron rod set within a corner of walls, at a point in the southeasterly line of Beaman Road, the last eleven courses being by land now or formerly of the aforesaid Beaman;

Thence N. 58° 08′ 07" E., 219.97 feet, by the stone wall and Beaman Road, to an iron rod set at a point of intersection with an interior stone wall;

Thence N. 58° 59′ 10" E., 319.87 feet, by the wall and Beaman Road, to a drill hole set at a corner of walls, at Lot 2, other land now or formerly of Thorell, to be excluded from this taking;

Thence S. 41° 37′ 59" E., 310.58 feet, by the wall, to a drill hole set at a corner of walls;

Thence S. 52° 51′ 31" W., 115.55 feet, by the wall, to a drill hole set at another corner of walls;

Thence S. 45° 00′ 54" E., 131.49 feet, by the wall, to a drill hole set at a corner of walls;

Thence S. 44° 37′ 12" W., 82.14 feet, by the wall, to a drill hole in a field stone bound set in a corner of walls;

Thence S. 34° 37′ 35" E., 206.43 feet, by the wall, to a drill hole set at a corner of walls;

Thence N. 68° 18′ 46" E., 303.13 feet, to an MDC concrete bound set at a point near the existing cart road on the property;

Thence On the same bearing, 297.16 feet, crossing the cart road and running to a drill hole set in a corner of walls;

Thence N. 44° 45′ 27" W., 285.77 feet, by the wall, to a drill hole set;

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Thence N. 44° 33′ 58" W., 206.12 feet, by the wall, to a drill hole set at an intersection of walls;

Thence N. 10° 49′ 10" W., 177.29 feet, to a drill hole set in a corner of walls;

Thence N. 63° 33′ 08" W., 151.43 feet, by the wall, to a drill hole set in a corner of walls in the southeasterly line of Beaman Road, the last eleven courses being by Lot 2, other land now or formerly of Thorell, not subject to this taking;

Thence N. 57° 20′ 03" E., 159.67 feet, by the wall and Beaman Road, to a drill hole set;

Thence N. 60° 08′ 04" E., 237.31 feet, by the wall and Beaman Road, to a drill hole set;

Thence N. 59° 55′ 52" E., 177.71 feet, by the wall and Beaman Road, to a drill hole set;

Thence N. 59° 54′ 08" E., 186.79 feet, by the wall and Beaman Road, to the drill hole found at land now or formerly of Sullivan, first mentioned, being the point and place of beginning.

Containing 85.903 acres, more or less, as shown as Lot 1 upon an engineered survey plan entitled "Commonwealth Of Massachusetts, Metropolitan District Commission, Division Of Watershed Management, Princeton (Worcester County) MA. Land Taking Plan For Watershed Protection", dated June 1996 and prepared by James E. Gaffney Co., which plan shall be recorded with the Worcester District Registry of Deeds, at a later date, and made a part of this order.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Beaman Road which may be held by the supposed owners, as a result of their ownership of the above described property, and being most of the same premises described in a deed from M. Helen Phelps to Oscar E. Thorell and Signe H. Thorell, dated September 7, 1920 and recorded with Worcester District Registry of Deeds at Book 2226, Page 383. See also Worcester County Probate and Family Court Department, Docket No. PC # 264366, Probate of the Estate of Signe H. Thorell.

The above described property is represented upon Princeton Assessors Tax Map 4 as most of Parcel 31.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Warren O. Thorell, Doris H. Willard, Florence H. Genis, Helen T. Douty, and Marion E. Thorell, as Heirs of the Estate of Signe H. Thorell, Worcester County Probate #264366	$ 380,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $380,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 18, recommending that the Commission adopt an Order of Taking for acquisition of approximately 73.197 acres of land owned by Vanda V. Solomon, located in the Town of Princeton, Massachusetts, and to approve an award of damages in the amount of $206,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 73.197 acres of land owned by Vanda V. Solomon, located in the Town of Princeton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 20, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Princeton in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of "pasture and sproutland" lying on the easterly side of the highway leading from Princeton to Worcester, now known as Worcester Road-Route 31, more particularly bounded and described as follows:

Beginning at a point in the easterly line of Worcester Road-Route 31, at a corner of stone walls, and at land now or formerly of Ernest & Lena Zottoli, said point marking the southwesterly corner of the parcel herein being described, and the northwesterly corner of land now or formerly of Zottoli;

Thence N. 61° 17′ 54" E., 551.80 feet, by and through the stone wall, to a point at a corner, being the northeasterly corner of land now or formerly of Zottoli;

Thence S. 48° 37′ 13" E., 409.41 feet, by a wire fence line and land now or formerly of Zottoli, to a point at a corner of stone walls and land now or formerly of Theodore A. & Mary M. Dourdeville;

Thence N. 47° 19′ 37" E., 1547.75 feet, by the stone wall to a point at a wall corner;

Thence N. 50° 47′ 01" W., 344.74 feet, by the stone wall, to a drill hole in another stone wall corner;

Thence N. 46° 25′ 57" E., 1129.25 feet, by the stone wall, to a point at a wall corner;

Thence N. 47° 47′ 10" W., 219.00 feet, by the wall, to a point in another wall corner;

Thence N. 45° 53′ 36" E., 306.97 feet, by the wall, to a point in a wall corner, and land supposed to be owned by the Nimrod League of Holden, Inc., the last five courses being by land now or formerly of the aforesaid Dourdeville;

Thence N. 50° 17′ 47" W., 635.79 feet, by stone wall and the line of a wire fence, to a point at the easterly end of another stone wall, at land now or formerly of Richard E. & Eleanor M. Sandstrom, said point marking the northeasterly corner of the parcel being described;

Thence S. 46° 56′ 36" W., 2964.84 feet, by the stone wall and land now or formerly of Sandstrom, to a point in a corner of walls, at land now or formerly of George L. & Nancy J. Sampson, and land now or formerly of Jesse T. & Veronica A. Hill, said point marking the northwesterly corner of the parcel being described;

Thence S. 49° 02′ 06" E., 341.67 feet, by the wall, and by land now or formerly of Hill, to a point in a corner of walls;

Thence S. 45° 14′ 51" W., 409.07 feet, by the wall, partially by land now or formerly of Hill and partially by land now or formerly of Robert L. Hunt, to a point in a corner of walls, in the easterly line of Worcester Road-Route 31;

Thence S. 28° 55′ 43" E., 309.06 feet, by the wall and the easterly line of Worcester Road-Route 31, to the first mentioned point in the wall corner, being the point and place of beginning.

Containing 3,188,462 square feet, or 73.1970 acres, as shown upon a stamped engineered survey plan entitled "Preliminary Plan Of Proposed Subdivision In Princeton, Mass. Owned By Vanda M. Solomon, 515 East 72nd St. Apt. 22A New York, N.Y. 10021 Owner-Applicant", dated November 18, 1988, prepared by James B. Kalloch, R.P.E. & R.L.S., a copy of which plan is on file with the Real Property Office of the Metropolitan District Commission, at its Headquarters, 20 Somerset Street, Boston, MA. 02108.

The above described parcel is supposed to contain, by prior deed description, by the abutters, 93 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Worcester Road-Route 31 which may be held by the supposed owner, as a result of her ownership of the above described property, and being the same premises described in a deed from Vanda V. Solomon, Executor under the Will of Agnes P. Mikoloski, to Vanda V. Solomon, dated March 13, 1987 and recorded with Worcester District Registry of Deeds in Book 10349, Page 5.

The above described property is represented upon Princeton Assessors Tax Map 15 as Parcel 53.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Vanda V. Solomon	$ 206,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $206,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 18, recommending that the Commission adopt an Order of Taking for acquisition of approximately 42.907 acres of land owned by Thomas E. Bedell, Executor of the Estate of Priscilla H. Bedell, located in the Town of Boylston, Massachusetts, and to approve an award of damages in the amount of $200,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 42.907 acres of land owned by Thomas E. Bedell, Executor of the Estate of Priscilla H. Bedell, located in the Town of Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 20, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the easterly side of Cross Street, south of its intersection with Main Street-Route 70, and north of its intersection with Linden Street, more particularly bounded and described as follows:

Beginning at a one inch rebar found in a corner of stone walls at a point on the easterly line of Cross Street, as shown upon a survey plan recorded with Worcester District Registry of Deeds as Plan 55 in Plan Book 536, at land formerly of Helen E. Lawrence, now or formerly, of Michael W. & Linda R. Buddenhagen, said point being the southwesterly corner of the parcel herein being described;

Thence N. 20°42′ 32" E., 107.29 feet, along the wall, to a drill hole set;

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Thence N. 22° 20′ 44" E., 64.93 feet, by the wall and a metal gate, to a drill hole set in the continuation of the wall;

Thence N. 08° 33′ 59" E., 39.78 feet, by the wall, to a drill hole set at a corner of walls;

Thence N. 06° 26′ 14" E., 181.50 feet, by the wall, to a drill hole set;

Thence N. 00° 57′ 20" E., 84.63 feet, by the wall, to a drill hole set;

Thence N. 05° 34′ 26" E., 32.55 feet, by the wall, to a drill hole set;

Thence N. 00° 13′ 53" E., 112.60 feet, by the wall, to a drill hole set at a corner of walls, at other land now or formerly of Bedell, the last seven courses being by the stone wall which delineates the easterly line of Cross Street;

Thence S. 89° 21′ 12" E., 159.90 feet, by the wall, to a drill hole set at an angle in the wall;

Thence S. 41° 36′ 12" E., 89.34 feet, by the wall, to a drill hole set in ledge, at the wall;

Thence N. 34° 41′ 09" E., 91.57 feet to a drill hole set in the end of a stone wall segment;

Thence N. 11° 24′ 42" E., 92.89 feet, by the wall segment, to a drill hole set;

Thence N. 13° 18′ 05" E., 87.85 feet, by the wall segment, to a drill hole set at its end;

Thence N. 05° 37′ 50" E., 264.84 feet, to a drill hole set at a corner of stone walls;

Thence N. 24° 04′ 47" E., 123.89 feet, by the stone wall, to a drill hole set;

Thence N. 24° 52′ 50" E., 9.57 feet, by the wall, to a drill hole set;

Thence N. 29° 16′ 16" E., 64.10 feet, by the wall, to a drill hole set;

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Thence N. 28° 34′ 19" E., 57.89 feet, by the wall, to a drill hole set;

Thence N. 18° 58′ 07" E., 54.59 feet, by the wall, to a drill hole set;

Thence N. 57° 57′ 13" E., 24.78 feet, by the wall, to a drill hole set at an angle in the wall;

Thence N. 25° 18′ 05" W., 10.68 feet, by the wall, to a drill hole set;

Thence N. 03° 58′ 25" E., 144.11 feet, by the wall, to a drill hole set at its end;

Thence N. 08° 01′ 33" E., 96.49 feet, crossing the westerly edge of a pond, and running to an iron rod set at the base of a blazed cherry tree standing between the Bedell pump house, sited on land excluded from the effects of this instrument, and its associated water well, near the edge of the pond, on land included in this description;

Thence N. 62° 01′ 24" W., 132.54 feet, entering and running by another stone wall, to a drill hole set;

Thence N. 68° 59′ 04" W., 114.77 feet, by the wall, to a drill hole set at a corner of walls;

Thence N. 12° 25′ 41" E., 215.96 feet, by the wall, to a drill hole set;

Thence On the same bearing, crossing a gap in the wall and running 258.11 feet, to an iron pin set at the southeasterly corner of a right-of-way, as described below and taken herein, across other land of Bedell;

Thence N. 18° 30′ 03" E., 14.76 feet, crossing a gap in the wall, being the easterly end of the right-of-way referred to above, and running to an iron pin set at the continuation of the wall;

Thence N. 05° 58′ 40" E., 76.50 feet, by the wall, to a point;

Thence N. 08° 43′ 06" E., 84.13 feet, by the wall, to a point;

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Thence N. 09° 57′ 12" E., 126.68 feet, by the wall, to a drill hole set at the end of the wall;

Thence N. 41° 15′ 27" E., 199.31 feet, by the remains of a fence, to an MDC concrete bound set;

Thence N. 32° 06′ 30" E., 40.53 feet, to an MDC concrete bound set;

Thence N. 10° 05′ 18" E., 400.07 feet, to an MDC concrete bound set;

Thence N. 07° 11′ 46" E., 203.38 feet, to an MDC concrete bound set;

Thence N. 80° 05′ 52" W., 106.02 feet, to a drill hole set in a stone wall at the southeasterly line of the 5th lot depicted upon the two sheet survey plan recorded with Worcester District Registry of Deeds as Plan 21 in Plan Book 565, being land now or formerly of Frank A. & Jan M. Voelker, the last twenty-eight (28) courses being by other land now or formerly of Bedell, shown and labeled as "Area Retained By Bedell" upon the plan referenced at the conclusion of this description;

Thence N. 43° 23′ 32" E., 72.12 feet, by the wall, to a point;

Thence N. 30° 17′ 26" E., 19.08 feet, by the wall, to a drill hole found at the southwesterly corner of Lot 6, as shown upon the last cited plan, being land now or formerly of Laurel Mead Corporation, the last two courses being by Lot 6, land now or formerly of F. A. & J. M. Voelker;

Thence N. 49° 47′ 25" E., 50.61 feet, by the wall, to a point;

Thence N. 11° 48′ 18" W., 5.93 feet, by the wall, to a point;

Thence N. 47° 36′ 02" E., 26.29 feet, by the wall, to a point;

Thence N. 43° 46′ 22" E., 31.05 feet, by the wall, to a drill hole found at the corner of Lot 7, as shown upon the above cited plan, being land now or formerly of James M. & Sharon L. Ricciardi, the last four courses being by Lot 6, land now or formerly of Laurel Mead Corporation;

Thence S. 75° 21′ 14" E., 107.77 feet, to a point at the end of another stone wall;

Thence S. 75° 20′ 01" E., 55.37 feet, by the wall, to a point;

Thence S. 75° 09′ 12" E., 56.84 feet, by the wall, to the southwesterly corner of Lot 8, on the above referenced plan, being land now or formerly of Kelley A. O'Brien, the last two courses being by Lot 7, land, now or formerly of J.M. & S.L. Ricciardi;

Thence On the same bearing, by the wall, 16.33 feet, to an iron pin found;

Thence S. 75° 09′ 12" E., 183.67 feet, by the wall, to a stake found at a corner of walls, at Lot 9 on the above cited plan, being land now or formerly of Bernard K. and Lynn H. Gabler, the last two courses being by Lot 7 land now or formerly of K. A. O'Brien;

Thence S. 11° 45′ 43" W., 102.80 feet, by the wall, to a point;

Thence S. 13° 26′ 02′ W., 184.51 feet, by the wall, to a drill hole found;

Thence S. 00° 57′ 32" E., 245.12 feet, by the wall, to a point;

Thence S. 06° 34′ 53" W., 85.64 feet, by the wall, to a drill hole found;

Thence S. 13° 20′ 31" W., 163.90 feet, by the wall, to a stake found at an angle in the wall;

Thence S. 49° 35′ 44" E., 105.29 feet, by the wall, to a point;

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Thence S. 58° 04′ 55" E., 42.66 feet, by the wall, to a drill hole found at a corner of walls at land formerly of J.& B. Realty Trust, now of the Commonwealth of Massachusetts, Metropolitan District Commission, the last seven courses being by Lot 9, land now or formerly of B.K. & L.H. Gabler;

Thence S. 01° 54′ 29" W., 165.93 feet, by the wall and land of the Commonwealth, to a drill hole found at land now or formerly of William I. & Janet M. Smith;

Thence S. 01° 36′ 41" W., 52.39 feet, by the wall, to a drill hole found;

Thence S. 01° 49′ 11" W., 125.62 feet, by the wall, to a drill hole found;

Thence S. 31° 51′ 17" W., 32.16 feet, by the wall, to a drill hole found;

Thence S. 38° 52′ 59" W., 31.67 feet, by the wall, to a drill hole found;

Thence S. 34° 32′ 16" W., 88.13 feet, by the wall, to a drill hole found;

Thence S. 36° 43′ 50" W., 132.56 feet, by the wall, to a drill hole found;

Thence S. 27° 18′ 55" W., 173.03 feet, by the wall, to a drill hole found at a corner;

Thence S. 65° 46′ 35" E., 205.11 feet, by the wall, to a drill hole found;

Thence S. 69° 53′ 05" E., 51.54 feet, running by the wall and crossing a gap, to a drill hole found;

Thence S. 72° 21′ 53" E., 97.10 feet, by the wall, to a drill hole found;

Thence S. 71° 20′ 18" E., 146.18 feet, by the wall, to a drill hole found;

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Thence S. 72° 48′ 57" E., 79.34 feet, by the wall, to a point at land now or formerly of Tuan & Tu Dao, the last twelve (12) courses being by land now or formerly of W.I.& J.M. Smith;

Thence On the same bearing, 49.29 feet, by the wall, to a drill hole found;

Thence S. 67° 33′ 38" E., 17.39 feet, by the wall, to a drill hole set, at land now or formerly of Gordon W. Jr. & Mary M. Lewis, the last two courses being by land now or formerly of Tuan & Tu Dao;

Thence S. 23° 27′ 11" W., 143.22 feet, to a drill hole found in a ledge outcrop;

Thence S. 42° 08′ 51" W., 151.14 feet, to an iron pin set in a pile of stones;

Thence N. 74° 27′ 07" W., 577.50 feet, to a drill hole set in a stone wall segment;

Thence S. 02° 08′ 10" E., 33.00 feet, by the wall, to a drill hole set;

Thence S. 75° 36′ 50" W., 130.02 feet, entering the meadow and running to an iron pin set in the middle of a ditch;

Thence S. 02° 06′ 50" E., 846.57 feet, by the center line of the ditch, to an iron pin found;

Thence S. 25° 41′ 39" W., 470.83 feet, by the center line of the ditch, to an iron pin found at land now or formerly of George A. & Carolyn C. Stowe;

Thence S. 26° 03′ 48" W., 279.20 feet, by the center line of the ditch, to an unmarked point in deep water;

Thence N. 67° 21′ 45" W., 126.70 feet, to a drill hole found in a corner of stone walls at land, formerly of Helen E. Lawrence now or formerly of Michael W. & Linda R. Buddenhagen, the last two courses being by land now or formerly of G.A. & C.C. Stowe;

Thence N. 66° 30′ 59" W., 341.85 feet, by the stone wall, to the 1 inch rebar found in the corner of stone walls on the easterly side of Cross Street, being the point and place of beginning.

Containing 1,869,040 square feet, or 42.907 acres, as shown upon a plan entitled "Land Taking Plan For Watershed Protection Located On Cross Street Boylston (Worcester County) MASS. Land Taking By Commonwealth Of Massachusetts, Metropolitan District Commission, Division Of Watershed Management, Land Taking From Estate Of Priscilla H. Bedell 89 Cross Street, Boylston, MA. 01505", dated May 30, 1995 and prepared by Land Planning Engineering & Survey, which plan shall be recorded with Worcester District Registry of Deeds and made a part of this order, at a later date.

Also taken herein is a 13.5 foot wide right-of-way from Cross Street to the above described parcel, shown upon the above cited plan as crossing land labeled "AREA RETAINED BY BEDELL", more particularly bounded and described as follows:

Beginning at the iron pin set at the gap in the stone wall, being the same rod mentioned above at the conclusion of the twenty-seventh (27th) course in the description of the 42.907 acre parcel;

Thence S. 81° 59′ 55" W., 304.60 feet, to an iron pin set at the end of a stone wall, at a point on the easterly line of Cross Street, being the southernmost point of a parcel of land, now or formerly, of Robert D. & Ruth B. Haddon;

Thence S. 00° 21′ 26" E., 13.62 feet, by the stone wall and the easterly line of Cross Street, to a point;

Thence N. 81° 59′ 55" E., 299.72 feet, to an iron pin set at a gap in a stone wall, being the same pin referred to at the end of the twenty-sixth (26th) course in the description of the 42.907 acre parcel above;

Thence N. 18° 30′ 03" E., 14.76 feet, to the iron pin first mentioned, being the point and place of beginning.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Cross Street which may be held by the supposed owner as a result of her purported ownership of the above described parcel, and being the the larger share of the same premises described in a deed from Henry S. Reed to Walter E. Bedell and Priscilla A. Bedell, dated November 24, 1959 and recorded with Worcester District Registry of Deeds in Book 4075, Page 445. See also Worcester County Probate No. 91PR2459 Estate of Priscilla H. Bedell.

The above described property is represented upon Boylston Assessors Tax Map 190 as most of Parcel 76.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land, and expressly reserving to the Estate, its heirs and successors, the right to continue to use, maintain and improve the well and all attendant pipelines and appurtenant structures and installations, upon said property. Said well is referenced in the twenty-second (22nd) course in the above description of the 42.907 acre parcel herein taken, and shown upon the cited survey plan.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Estate of Priscilla H. Bedell	$ 200,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $200,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, June 19, 1996, recommending that the Commission adopt an Order of Taking for Acquisition of approximately 323 acres of land owned by Theodore A. Roselund, Jr., et al, Trustees of Roselund Properties Trust, Canton, Massachusetts and to approve an award of damages in the amount of $350,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2440-8886.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 323 acres of land owned by Theodore A. Roselund, Jr., et al, Trustees of Roselund Properties Trust, located in the Town of Canton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 20, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Canton in the County of Norfolk and Commonwealth of Massachusetts, namely:

A certain parcel of land comprising registered and unregistered land, as described in a deed from Theodore A. Roselund to Theodore A. Roselund, et al, Trustees of the Roselund Properties Trust, dated March 25, 1970, and recorded with the Norfolk Registry of Deeds in Book 4667, Page 262. The registered land referenced in said deed is described in Certificate of Title No. 72691, filed in the Norfolk Registry District of the Land Court.

Containing approximately 323 acres of land.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Neponset Street and University Road which may be held by the supposed owners.

The above described property is represented on the Town of Canton Assessors Maps as Parcels 8-4, 17-1, 18-1, 18-2 and 19-1.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the Town of Canton, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is attached hereto and made a part hereof.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Theodore A. Roselund, Jr., Miriam S. Roselund, and Leon B. Newman, Trustees of Roselund Properties Trust	$ 350,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $350,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.
Associates Commissioner Elkort did not participate in discussion nor vote on this item.

1. Report of Mr. Gray, June 19, 1996, recommending that the Commission adopt an Order of Taking for Acquisition of approximately 11.7 acres of land owned by Charles R. Levin, et al, Trustees of Airport Realty Trust, located in the Town of Canton, Massachusetts, and to approve an award of damages in the amount of $35,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2440-8886.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 11.7 acres of land owned by Charles R. Levin, et al, Trustees of Airport Realty Trust, located in the Town of Canton, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 20, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Canton in the County of Norfolk and Commonwealth of Massachusetts, namely:

A certain parcel of land situated in said Canton, bounded and described as follows:

Southwesterly	by Neponset Street, eight hundred fifty (850) feet;
Northwesterly	six hundred (600) feet;
Northeasterly	eight hundred fifty (850) feet; and
Southeasterly	six hundred (600) feet, by lot numbered 194, shown on the plan hereinafter referred to.

Said parcel is shown as lot numbered 195 on a plan drawn by Arnold E. Schaier, C.E., dated January 30, 1954, as approved by the Land Court, filed in the Land Registration Office as No. 15269Q, a copy of a portion of which is filed in the Norfolk Registry District of Land Court with Certificate No. 50200, Sheet 1, Book 251.

Being the same premises described in Transfer Certificate of Title No. 70628, filed in said Registry District in Book 354, Page 28.

Containing approximately 11.7 acres of land.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Neponset Street and University Road which may be held by the supposed owners.

The above described property is represented on the Town of Canton Assessors Maps as Parcel 7-12.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The concurrence of the Park and Recreation Commissioners of the Town of Canton, pursuant to section 79 of Chapter 92 of the General Laws, as amended, is attached hereto and made a part hereof.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Charles R. Levin and Theodore A. Roselund, Jr., Trustees of Airport Realty Trust	$ 35,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $35,000.00, together with such damages and costs as required under General Laws, Chapter 79, Section 6, 12, 39.and 44A, provided that said amount of $35,000.00 is withheld from payment until environmental remediation is completed in accordance with regulations and guidelines promulgated by the State Department of Environmental Protection.
Associates Commissioner Elkort did not participate in discussion nor vote on this item.

1. Report of Mr. Gray, June 19, 1996, recommending that the Commission adopt an Order of Taking for Acquisition of approximately 64.653 acres of land owned by The City of Quincy and located in the Town of Braintree, Massachusetts and to approve an award of damages in the amount of $1.00. Account No. 2440-8840.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 64.653 acres of land owned by The City of Quincy and located in the Town of Braintree, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, June 20, 1996

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 803 of the Acts of 1972, Chapter 1180 of the Acts of 1973, Chapter 147 of the Acts of 1978, and Chapter 723 of the Acts of 1983, and acts in amendment thereof or in addition thereto, and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, in the name and for the benefit of the Commonwealth of Massachusetts, in fee, for flood control purposes, the following described parcel situated in the Town of Braintree in the County of Norfolk and Commonwealth of Massachusetts, namely:

A certain parcel of land containing approximately 64.653 acres, as shown on a plan entitled "Plan of Land at Braintree, Massachusetts, taken for Reservoir Purposes by the Quincy Water Co.," prepared by E.A.W. Hammatt, C.E., dated August 1887, and recorded with the Norfolk County Registry of Deeds as Plan No. 477, and which property is more particularly described in an order of taking by the Quincy Water Company dated November 16, 1887, and recorded with said Deeds in Book 598, Page 261.

Meaning and intending to take hereby the above described premises, howsoever the same may be bounded and described, which property is also shown as containing approximately 61 acres on a plan entitled "Plan for Taking in Fee of the Old Quincy Reservoir Property located in the Town of Braintree, Mass.," prepared by ASEC Corporation, dated November 1995, which plan is on file with the Commission and shall be recorded with said Deeds at a later date.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land; furthermore, said Commission does also take and expressly reserve hereby, any rights and easments of record and any appurtenant rights and easements which may benefit the said premises and said flood control project.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
City of Quincy	$ 1.00

The Commission further V O T E D: to approve an award of damages in the amount of $1.00.

1. At this point, Mr. Jewett requested that Commissioner Balfour be authorized to execute ten Service Contracts on behalf of the Commission. These Contract-Agreements, he noted, must be processed prior to July 1, 1996.
He explained that the Contracts have all been approved at prior Commission Meetings.
The Commission approved Mr. Jewett's request with the understanding that no changes be made in what was originally approved by the Commission.
The Commission then requested that Mr. Jewett provide Secretary Chisholm with the Titles, Contract Nos. and all other pertinent information regarding the Service-Contracts so the information can be recorded in the Minutes of the July 11, 1996 Commission Meeting.

The following matter was placed on the agenda for the information of the Commission:

2. The following schedules were approved for payment by the Commissioner during the period from April 1, 1996 to April 30, 1996.

Expenditures $1,991,847.35

Adjourned at 11:30 a.m., to meet on Thursday, July 11, 1996, at 9:00 a.m.

William J. Chisholm
Secretary

Record of the Three Thousand Seven Hundred and Seventy Eighth (3778th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, July 11, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Elkort, Settles and Wu.

The Records of the Commission Meeting held on June 13, 1996 were read and approved.

1. With no Commission meeting scheduled until July 11, 1996 and with the urgency of starting work on Contract No. RE95-02-X1A, with D. N. Kelly & Son, Inc., Shipyard, for Repairs and Repowering of the 56 Foot LCM - 6 on 56CMG759, the Contract was hand delivered and signed by the Commissioner and Associate Commissioners Elkort and Carr, on June 26, 1996.
(The Commission voted on June 20, 1996, to accept the only bid received for the project, that of D. N. Kelly & Son, Inc., Shipyard, of $58,006.00).

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

2. Contract No. P96-1861-M1A, dated July 11, 1996, with Coviello Electric and General Contracting Co., Inc., for Electrical, Electronic and Sound System Maintenance Work at Sports Facilities, Recreational Areas and MDC Buildings Throughout the Metropolitan District, FY97 and FY98.

3. Contract No. P96-1860-M1A, dated July 11, 1996, with Montgomery-Kone, for Maintenance of Elevators at MDC Headquarters Building for Fiscal Year 1997 and 1998.

Action was taken upon the following matters relating to the Engineering and Construction Division:

4. Report of Messrs. Faucher and Mayhew, May 10, recommending the following on Contract No. P93-1693-C2A, with A. Monti Granite Co., Inc., for Sally Port Entrance Granite Repair, Fort Independence, Castle Island, South Boston -
(a) That work be accepted as completed as of April 30, 1996.
(b) That Estimate No. 1 (Final), in the amount of $7,115.50, be approved for payment.
(c) That reserve, in the amount of $374.50, be approved for payment.
(Basis of Award - $7,490.00)
(Amount to Date - $7,490.00)
(Contract Performance Rating - 4.80)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of A. Monti Granite Co., Inc., Contractor under Contract No. P93-1693-C2A, be and hereby is accepted as completed as of April 30, 1996.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of $7,115.50, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $374.50, for payment.

1. Report of Messrs. Faucher and Arinella, June 25, recommending that the Commission rescind the vote of June 20, 1996, awarding Contract No. P96-1843-M1A, for Service to Hydraulic Power Systems at Various Flood Control Navigation Sites, to the second lowest qualified bidder, Mobile Hydraulic Service Company, as the Company does not have five years experience as required under terms of the Contract.
Messrs. Faucher and Arinella further request authorization to readvertise the project.
Account No. 2440-0010-NN.
The Commission V O T E D: to rescind the vote of June 20, 1996, awarding Contract No. P96-1843-M1A, for Service to Hydraulic Power Systems at Various Flood Control Navigation Sites, to the second lowest qualified bidder, Mobile Hydraulic Service Company, as the Company does not have five years experience as required under terms of the Contract, as recommended by Messrs. Faucher and Arinella in their report of June 25, 1996.
The Commission further V O T E D: authorization to readvertise the project.

2. Report of Messrs. Faucher and Machado, July 3, recommending approval of revisions in quantities on the following on Contract No. P95-1801-C1A, with T. L. Edwards, Inc., for Resurfacing of MDC Parkways at Various Locations throughout the Metropolitan District -

Item No. 002-010	**$ 23,400.00**
Cold Planing	
Item No. 007-010	**$ 96,200.00**
Bituminous Concrete	
Item No. 018-010	**$ 8,050.00**
12" Reflectorized Markings	
Item No. 019-010	**$ 2,137.50**
Reflectorized Pavement Symbols	
	Total - $129,787.50

Revisions are necessary due to need to resurface Hammond Pond Parkway and Wampatuck Road.
(At no increase in Contract cost as the revisions will be offset by unused quantities in other items).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and Abounaja, July 8, recommending approval of the request of Green Environmental, Inc., Contractor on Contract No. P94-1744-C1A, for Oil and Ground Water Collection and Treatment System, Breakheart Reservation, Saugus, for an extension of time from June 30, 1996 to December 31, 1996, in order to finalize the project.
(At no increase in Contract cost).
The Commission V O T E D: to approve an extension of time from June 30, 1996 to December 31, 1996, as recommended by Messrs. Faucher and Abounaja in their report of July 8, 1996, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Messrs. Faucher and Abounaja, July 5, on bids for

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Contaminated Site Clean-up at Various MDC Facilities, Contract No. P95-1789-C1A.
They further request authorization for an increase in funding from $600,000.00 to $679,205.00.
(Messrs. Faucher and Abounaja recommend acceptance of the lowest bid received, that of Zenone, Inc., of $679,205.00).
Funding from Account Nos. 2490-8910 and 2441-9952.
The Commission V O T E D: to authorize an increase in funding from $600,000.00 to $679,205.00, on Contract No. P95-1789-C1A for Contaminated Site Clean-up at Various MDC Facilities.
The Commission further V O T E D: to accept the lowest bid received, that of Zenone, Inc., of $679,205.00.
Associate Commissioner Elkort did not participate in discussion nor vote on this matter.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Robert O'Connor, June 24, on proposals for the purchase of forest products located on the Quabbin, Ware River and Wachusett Watersheds.
The Commission V O T E D: to accept the only bid received, that of Bosse Logging, of $705.00; to purchase approximately 12,800 board feet of sawlogs, 13 cords of firewood and 220 tons of whole tree wood on Timber Lot No. 133 - Wachusett Reservoir Watershed.
The Commission further V O T E D: to accept the only bid received, that of Bosse Logging, of $685.00; to purchase approximately 13,700 board feet of sawlogs, 17 cords of firewood and 203 tons of pulp on Timber Lot No. 134 - Wachusett Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Everett LaBree, of $2,433.00; to purchase approximately 154 cords of firewood on Timber Lot No. 135 - Wachusett Reservoir Watershed.
The Commission further V O T E D: to accept the only qualified bid, that of Tim Robinson, of $991.00; to purchase approximately 2,380 board feet of sawlogs and 105 cords of firewood on Timber Lot No. 194AA - Ware River Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Hubbard Forest Industries, of $20,811.00; to purchase approximately 106,650 board feet of sawlogs and 158 cords of firewood on Timber Lot No. 257 - Ware River Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Forward Enterprise, of $21,600.00; to purchase approximately 245,059 board feet of sawlogs, 55 cords of firewood and 53 tons of pulp on Timber Lot No. 675A - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Curtis Lumber of $33,600.00; to purchase approximately 356,415 board feet of timber, 100 cords of firewood and 815 tons of pulp on Timber Lot No. 745 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the only qualified bid, that of Wetherby Farm, of $1,232.00; to purchase approximately 6,167 board feet of sawlogs and 142 cords of

firewood on Timber Lot No. 746 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Curtis Lumber of $9,410.00; to purchase approximately 60,443 board feet of sawlogs, 255 cords of firewood and 30 cords in tops on Timber Lot No. 747 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Curtis Lumber of $17,151.00; to purchase approximately 150,174 board feet of sawlogs, 5 cords of firewood and 51 tons of pulp on Timber Lot No. 748 - Quabbin Reservoir Watershed.
The Commission further V O T E D: to accept the highest qualified bid, that of Ellsworth Sawmill, of $20,319.00; to purchase approximately 83,515 board feet of sawlogs, 284 cords of firewood and 55 cords of tops on Timber Lot No. 749 - Quabbin Reservoir Watershed.

1. Report of Messrs. McGinn and Kane, July 1, requesting authorization to move forward with Project No. WM93-060-C1A, for Spillway Improvements and Embankment Repairs to Sudbury Reservoir Dam, Southborough.
Messrs. McGinn and Kane further request authorization to advertise the Project.
Estimated Cost - $1,800,000.00 to be provided by MWRA through a Trust Fund arrangement with the Secretary of Environmental Affairs and the MDC.
Time for Performance - Completion within ten months of the Notice to Proceed.
The Commission V O T E D: authorization to move forward with Project No. WM93-060-C1A, for Spillway Improvements and Embankment Repairs to Sudbury Reservoir Dam, Southborough.
The Commission further V O T E D: authorization to advertise the Project.

2. Report of Messrs. McGinn and Vignally, June 24, recommending the following on Contract No. WM89-012-S1A, with GZA GeoEnvironmental, Inc., for Mercury IIC: Data Interpretation -
(a) That work be accepted as completed as of January 12, 1996.
(b) That Invoice No. 19 (retainage), in the amount of $6,558.13, be approved for payment.
(Basis of Award - $70,774.45)
(Final Cost - $65,581.32)
(Consultant Rating - 9.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of GZA GeoEnvironmental, Inc., Consultant under Contract No. WM89-012-S1A, be and hereby is accepted as completed as of January 12, 1996.
The Commission further V O T E D: to approve Invoice No. 19 (retainage), in the amount of $6,558.13, for payment.

3. Report of Messrs. McGinn and Penner, June 17, recommending the following on Contract No. WM96-097-X1A, with the University of Massachusetts (E.S.I. Office), Amherst, for Color Infrared Photo Set -
(a) That the Contract be accepted as complete as of June 7, 1996.

(b) That Invoice No. 2, in the amount of $4,799.76, be approved for payment.
(Basis of Award - $11,478.00)
(Final Cost - $10,261.56)
(Contractor's Rating - 9.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of University of Massachusetts (E.S.I. Office), Amherst, Consultant under Contract No. WM96-097-X1A, be and hereby is accepted as completed as of June 7,1996.
The Commission further V O T E D: to approve Invoice No. 2, in the amount of $4,799.76, for payment.

Action was taken upon the following matters relating to the Office of Real Property:

1. Report of Mr. Gray, July 8, recommending that the Commission adopt an Order of Taking and affirm the earlier vote of the Commission on June 13, 1996, for acquisition of approximately 47.09 acres of land owned by Independence Drive Limited Partnership, located in the City of Boston, Massachusetts, and to approve an award of damages in the amount of $6,559,000.00, together with such damages and costs as required under General Laws, Chapter 79,sections 6, 12, 39 and 44A, provided $333,000.00 is withheld from that amount until construction debris has been removed from the site and environmental remediation completed in accordance with the regulations promulgated by the State Department of Environmental Protection; and further to take by said order of taking a twenty-foot (20') wide right of way in, on and over land owned by Edward E. Zuker, Trustee, Hancock Village Realty Trust, located in the City of Boston, Massachusetts, and to approve an award of damages in the amount of $345,000.00, subject to the terms relating to said right of way set by this Commission, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2440-8886.
Associate Commissioner Wu asked if the Commission was obligated to accept the alternative access if it does not meet MDC specifications.
Mr. Gray responded that the Commission had prior approval for all design and construction and that, unless and until the Commission issues a "Certificate of Completion" the project will be deemed acceptable.
The Commission V O T E D: to adopt an Order of Taking and affirm the earlier vote of the Commission on June 13, 1996, for acquisition of approximately 47.09 acres of land owned by Independence Drive Limited Partnership, located in the City of Boston, Massachusetts.

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ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, July 11, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 119 of the Acts of 1995, Chapter 15 of the Acts of 1996, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the City of Boston in the County of Suffolk and Commonwealth of Massachusetts, namely:

Parcel 1.

That certain parcel of land situated in that part of Boston formerly West Roxbury, bounded and described as follows:

EASTERLY by Independence Drive, seventy-five and 9/100 (75.09) feet;

SOUTHERLY by Lot 12 as shown on a plan drawn by Norwood Engineering Co., Inc., dated March 4, 1965, as modified and approved by the Land Court and filed with the Land Registration Office as Plan No. 20164E, three hundred ten and 17/100 (310.17) feet;

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NORTHWESTERLY by Lot 2 as shown on Land Court Plan No. 20164B, eighty-one and 57/100 (81.57) feet;

NORTHERLY by Lot 4 as shown on Land Court Plan No. 20164C, two hundred eighty-one and 32/100 (281.32) feet.

Said Parcel 1 is shown as lot 14 on said Land Court Plan No. 20164E.

Said Parcel 1 is subject to the rights and easements set forth in a deed from John Niles and Donal R. Sisk, Trustees of Westbrook Commercial Trust, to Harvard Community Health Plan, Inc., dated March 14, 1985, and filed with Suffolk County Registry District of the Land Court as Document No. 388453, as amended by an Easement Agreement by and between John Niles and Donal R. Sisk, Trustees as aforesaid, and Harvard Community Health Plan, Inc., dated as of March 14, 1985, and filed with said Registry District as Document No. 402367, and as modified by an Amendment of Easement by and among Independence Drive Limited Partnership, Edward E. Zuker, Trustee of Hancock Village Realty Trust, Harvard Pilgrim Health Care, Inc., and Edward E. Zuker and HAWOOD SC Corp., Trustees of Westbrook Village Realty Trust, dated December 15, 1995, and filed with said Registry District as Document No. 534918.

Parcel 2.

That certain parcel of land situated in that part of Boston formerly West Roxbury, bounded and described as follows:

SOUTHEASTERLY by Veterans of Foreign Wars Parkway, two hundred fifty-seven and 72/100 (257.72) feet;

SOUTHWESTERLY by lands of sundry adjoining landowners as shown on Land Court Plan No. 20164F, referred to below, one thousand one hundred eighty-seven and 97/100 (1,187.97) feet;

NORTHWESTERLY three hundred seventy-eight and 44/100 (378.44) feet;

SOUTHWESTERLY eight hundred thirty-five and 92/100 (835.92) feet by land now or formerly of Boston Catholic Cemetery Association;

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NORTHWESTERLY seven hundred twenty-seven and 49/100 (727.49) feet;

SOUTHWESTERLY sixty-six (66.00) feet by land now or formerly of Gottlieb F. Burkhardt, et al;

NORTHWESTERLY by said land of Burkhardt and by land now or formerly of Bonelli-Adams Company, seven hundred fifty-two and 9/100 (752.09) feet;

SOUTHEASTERLY by Lot 4 as shown on Land Court Plan No. 20164C, six hundred forty-six and 3/100 (646.03) feet;

EASTERLY by said Lot 4, one thousand four hundred twenty (1,420.00) feet;

SOUTHEASTERLY by Lot 14 as shown on Land Court Plan No. 20164E, eighty-one and 57/100 (81.57) feet;

SOUTHERLY by Lot 13 as shown on Land Court Plan No. 20164E, sixty and 55/100 (60.55) feet;

SOUTHEASTERLY by said Lot 13 by three lines measuring respectively one hundred fifty-three and 25/100 (153.25) feet, one hundred fourteen and 36/100 (114.36) feet, and sixty-one and 74/100 (61.74) feet; and

NORTHEASTERLY by said Lot 13, four hundred thirty-seven and 78/100 (437.78) feet.

Said Parcel 2 is shown as Lot 15 on a subdivision plan drawn by Norwood Engineering Company, Inc., dated December 11, 1985, as approved and modified by the Land Court and filed with the Land Registration Office as Plan No. 20164F.

Said Parcel 2 has the benefit of restrictions reserved in a deed of John Niles and Donal R. Sisk, Trustees of Westbrook Commercial Trust, to Harvard Community Health Plan, Inc., dated March 14, 1985, and filed with said Registry District as Document No. 388453, as modified by an Amendment of Easement by and among Independence Drive Limited Partnership, Edward E. Zuker, Trustee of Hancock Village Realty Trust, Harvard Pilgrim Health Care, Inc., and Edward E. Zuker and HAWOOD SC Corp., Trustees of Westbrook Village Realty Trust, dated December 15, 1995, and filed with said Registry District as Document No. 534918.

Said Parcels 1 and 2 are described in Certificate of Title No. 108159, filed with the Registry District for Suffolk County in Book 536, Page 159.

Parcel 3.

Three certain parcels of land situated on the Veterans of Foreign Wars Parkway, in that part of Boston formerly West Roxbury, being shown as Lots 1, 2, and 3 on a plan of land in Boston (West Roxbury) dated June 16, 1936, by Bates and Chellman Engineers, recorded with the Suffolk County Registry of Deeds in Book 6599, Page 480, to which plan reference is hereby made for a more particular description. Said Parcel 3 is also the parcel described as Parcel Three in a deed from Edward J. Faneuil, Trustee, to Independence Drive Limited Partnership, as cited below.

Said lots are also shown as Lot K on a plan by George C. Hallisey, recorded with said Deeds in Book 6651, Page 37.

Parcels 1, 2 and 3 as above described, are the same premises described respectively as Parcels One, Two and Three in a deed from Edward J. Faneuil, Trustee of Hawood Land Realty Trust, to Independence Drive Limited Partnership, dated March 4, 1996, and filed with the Suffolk County Registry District of the Land Court as Document No. 511329, and recorded with the Suffolk County Registry of Deeds in Book 18908, Page 294. These same properties are represented upon the Boston Assessors Tax Map as Parcel 6994-50, Parcel 6995, and Parcel 6996, and together comprise approximately 47.09 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Independence Drive and Veterans of Foreign Wars Parkway, if any, which may be held by the supposed owners of record. The Commission hereby deems it necessary to withhold the sum of $ 333,000.00 from the pro tanto amount listed below, which sum shall be delivered to the supposed owners of record if said owners remove construction debris from the site and complete environmental remediation in accordance with regulations promulgated by the state Department of Environmental Protection, and if such work is completed within five (5) months of the recording and filing of this order.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

AND IT IS FURTHER ORDERED: That the Commission does hereby order the taking of and does hereby take a non-exclusive right of way easement twenty feet (20') in width for park and reservation and protection of open space purposes, under the provisions of said Chapter 79, in the name and behalf of the Commonwealth of Massachusetts, in, on, and over that certain parcel of land situated in the aforesaid City and County and Commonwealth, described in Certificate of Title No. 99302, filed with the Registry District for Suffolk County in Book 492, Page 102, and shown as Lot 4 on a subdivision plan drawn by Hayes Engineering Inc., dated January 8, 1980, as approved and modified by the Land Court and filed with the Land Registration Office as Plan No. 20164C, which Lot 4 as aforesaid abuts Parcels 1 and 2 as above described, and which easement area shall be located in, on and over said Lot 4 pursuant to the following provisions.

The easement area of twenty (20') feet in width taken hereby comprises approximately 19,093 square feet and is shown on a plan drawn by Norwood Engineering Co., Inc., dated June 4, 1996, entitled "Easement Plan of Land in W. Roxbury (Boston), Mass.", which plan (hereinafter referred to as the "Easement Plan") was recorded with the Suffolk County Registry of Deeds on July 10,1996, a copy of which plan is attached attached hereto and incorporated herein as Exhibit "A".

The easement area shown on said Easement Plan delineates the "paved" and "unpaved" portions of said twenty-foot (20') right of way, as follows:

Paved Portion.

Beginning at a point being N° 83-21-07 W a distance of 87.00 feet from the southeasterly corner of Lot 4 on the westerly sideline of Independence Drive as shown on Land Court Plan No. 20146C; thence

N 83-21-07 W	a distance of 29.78 feet by land now or formerly of Independence Drive Limited Partnership; thence
N 10-39-28 W	a distance of 38.57 feet; thence
Northwesterly	and curving to the left along the arc of a curve having a radius of 2,600.00 feet a length of 264.32 feet; thence
N 33-49-53 W	a distance of 107.70 feet; thence
Northwesterly	and curving to the left along the arc of a curve having a radius of 145.00 feet a length of 138.47 feet; thence
N 88-32-48 W	a distance of 10.12 feet; thence
N 01-27-12 E	a distance of 20.00 feet; thence
S 88-32-48 E	a distance of 10.12 feet; thence
Southeasterly	and curving to the right along the arc of a curve having a radius of 165.00 feet a length of 157.57 feet; thence
S 33-49-53 E a	distance of of 107.70 feet; thence
Southeasterly	and curving to the right along the arc of a curve having a radius of 2,620.00 feet a length of 252.18 feet; thence
S 22-09-05 E	a distance of 68.29 feet to the point of beginning, and containing 11,659 square feet, more or less.

Unpaved Portion.

Beginning at a point being the northwesterly corner of the paved portion of said right of way; thence

N 88-32-48 W	a distance of 34.17 feet; thence
Northwesterly and Northerly	and curving to the right along the arc of a curve having a radius of 100.00 feet a length of 121.88 feet; thence
N 18-42-59 W	a distance of 32.94 feet; thence
Northerly and Northwesterly	and curving to the left along the arc of a curve having a radius of 100.00 feet a length of 153.88 feet; thence
S 73-07-03 W	a distance of 21.61 feet; thence
N 38-48-05 W	a distance of 21.56 feet by land now or formerly of Independence Drive Limited Partnership; thence
N 73-07-03 E	a distance of 29.66 feet; thence
Southeasterly and Southerly	and curving to the right along the arc of a curve having a radius of 120.00 feet a length of 184.65 feet; thence
S 18-42-59 E	a distance of 32.94 feet; thence
Southerly and Southeasterly	and curving to the left along the arc of a curve having a radius of 80.00 feet a length of 97.50 feet; thence
S 88-32-48 E	a distance of 34.17 feet; thence
S 01-27-12 W	a distance of of 20.00 feet to the point of beginning, and containing 7,434 square feet, more or less.

This non-exclusive right of way as shown on said Easement Plan is taken as a temporary easement, conditioned upon the construction of an alternative right of way as set forth below; if said alternative right of way is not constructed and completed within four (4) years of the date of the recording of this order, then said easement shall vest and ripen into title as a permanent easement. This easement is taken hereby solely to ensure the right to pass and repass for the Commission, its employees, staff, agents, contractors, invitees and all others so authorized by the Commission and its successor agency or agencies, for access to Parcels 1, 2 and 3, as above described, together with the right to use said right of way in common with such others as may have rights therein. Nothing set forth within this order shall be construed to otherwise limit or exclude the permitted, proper and lawful uses of the said easement area by all such others as may have rights therein, regardless of the location of same on said Lot 4.

The Commission hereby expressly grants the owner of record of said Lot 4 and all successors in title, the right to alter or relocate the easement area as above described, so as not to interfere with the development of said Lot 4; provided, however, that the right to pass and repass taken hereby shall not be interrupted at any time; provided further, that at such time or times the owner or its successors in title desire to so alter or relocate said right of way easement area, the altered or relocated area shall not measure less than twenty feet (20') in width at its narrowest part; and provided further, that at such time or times the owner or its successors in title desire to so alter or relocate said right of way easement area, said owner shall at its sole expense prepare a recordable survey plan of the revised configuration of the easement area and submit same to the Commission for its approval prior to submission to any other public board or agency authorized to approve such plan before recordation or filing. The approval of such plans by the Commission shall not be unreasonably withheld, nor shall such approval be deemed to constitute a limitation, contingency or condition to or an additional requirement for any requisite approval from or by any and all other public agencies, boards, commissions or bodies, regarding the development and use of the subject property, including but not limited to development plans, zoning approvals, licenses, and permits.

The Commission hereby takes the right to install or otherwise construct utilities or utility systems on, over, through or under said right of way easement area. The Commission does hereby reserve the right to install, maintain, repair, replace, renovate, slope and grade that unpaved portion of the right of way shown on said Easement Plan as containing 7,434 square feet, and any other unpaved portion or portions of any replacement right of way which has been altered or relocated on said Lot 4 pursuant to this order of taking. The Commission also does hereby reserve the right to site, install, maintain, and replace appropriate signage within said right of way easement area in order to identify and regulate the right of way easement for effective and safe use, in a manner which will seek to minimize its impact upon the use of the area by all such others as may have rights therein. Such signage shall be installed and maintained by the MDC Division of Reservations and Historic Sites or its successor division or department, but not without prior notification to all abutting owners, and not without seeking prior agreement regarding same, if possible, with such abutting owners.

Nothing stated within this order shall preclude the said Division from entering into any agreement or agreements with the owner or owners of said Lot 4 regarding the shared or cooperative use, care and maintenance of this easement area, including but not limited to the siting of gates, fencing and landscaping to secure and improve the premises.

Nor shall this order preclude, and the Commission does hereby so authorize, the owner or owners of said Lot 4 and successors in title, at its or their sole cost and expense, from designing and constructing an alternative right of way to access Parcels 2 and 3 from Parcel 1, as above described, subject to the following conditions:

1. said alternative right of way shall be no wider than twenty (20') feet nor longer than seven hundred (700') feet, and shall be substantially of the same quality of design and construction as the paved portion of the easement area shown on said Easement Plan;

2. compliance with all applicable provisions of law, including, without limiting the generality of the foregoing, wetland protection requirements;

3. approval by the Commission as to the design and construction of said way, which approval shall not be unreasonably withheld;

4. performance of all construction activities by a contractor duly licensed in accordance with state requirements;

5. securing and maintaining comprehensive general and public liability insurance, with the Commonwealth as co-insured, protecting the owner or owners of said Lot 4 and the Commonwealth against personal injuries and property damage occuring on said Parcel 1 during the entire period of construction; and

6. indemnification of the Commonwealth by the owner or owners of said Lot 4 against any and all contractual or other claims relating to such activities.

If the foregoing conditions are met and followed, upon the completion of the alternative way to the satisfaction of the Commission, this Commission or its successor agency of agencies shall issue a Certificate of Completion in recordable form with respect to the completion of said way in conformance with the terms hereof, which Certificate of Completion shall, upon recordation, operate to extinguish the non-exclusive easement taken hereby, and thereby evidence the release of any and all title and interest in and to said Lot 4 previously held by the Commonwealth upon the filing and recordation of this order.

This order of taking constitutes a "transfer" for purposes of the Amendment of Easement cited above, dated December 15, 1995, and filed with the said Registry District as Document No. 534918, and to the extent legally applicable, nothing shown on said Easement Plan or set forth within this order of taking document shall be deemed to violate or otherwise modify or alter the terms of said Amendment of Easement by and among the parties thereto.

The concurrences of the Park and Recreation Commissioners of the City of Boston, pursuant to section 79 of Chapter 92 of the General Laws, as amended, are attached hereto as Exhibits "B" and "C" and are incorporated herein and made a part hereof.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNERS	AWARD
Independence Drive Limited Partnership	$ 6,559,000.00
Edward E. Zuker, Trustee of Hancock Village Realty Trust	$ 345,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $6,559,000.00, together with such damages and costs as required under General Laws, Chapter 79,sections 6, 12, 39 and 44A, provided $333,000.00 is withheld from that amount until construction debris has been removed from the site and environmental remediation completed in accordance with the regulations promulgated by the State Department of Environmental Protection.

The Commission further V O T E D: to take by said order of taking a twenty-foot (20') wide right of way in, on and over land owned by Edward E. Zuker, Trustee, Hancock Village Realty Trust, located in the City of Boston, Massachusetts.

The Commission further V O T E D: to approve an award of damages in the amount of $345,000.00, subject to the terms relating to said right of way set by this Commission, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, July 9, recommending that the Commission adopt a confirmatory order of taking for approximately 49.64 acres of land owned by Oak Woods Realty, Inc., located in the Town of West Boylston, Massachusetts, and to ratify the earlier vote of the Commission on August 24, 1995.
The Commission V O T E D: to adopt a confirmatory order of taking for approximately 49.64 acres of land owned by Oak Woods Realty, Inc., located in the Town of West Boylston, Massachusetts.
The Commission further V O T E D: to ratify the earlier vote of the Commission on August 24, 1995.

CONFIRMATORY
ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, July 11, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of West Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the northerly side of Winthrop Street, and the westerly side of Prescott Street, more particularly bounded and described as follows:

Beginning at the southwesterly corner of the parcel being described, at a point on the northerly line of Winthrop Street, at its westerly terminus, at land, formerly of George H. Holmes, now of the Commonwealth of Massachusetts;

Thence S. 86° 29′ 00" E., by the northerly line of Winthrop Street, 169.72 feet, to a point, at land, now or formerly, of R.L. & V.M. Hager;

Thence Northwesterly, by a curve to the right, with a radius of 20.00 feet, an arc distance of 27.02 feet to a point;

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Thence N. 09° 03′ 50" W., 163.94 feet, to a point of curvature;

Thence Southeasterly, by a curve to the right, with a radius of 20.00 feet, an arc distance of 35.81 feet to a point;

Thence S. 86° 29′ 00" E., 157.25 feet to a point at land, now or formerly, of S.J. & L.C. Forsberg, shown as PARCEL "1" on the recorded survey plan hereinafter referenced, the last four courses being by land, now or formerly, of Hager;

Thence S. 86° 29′ 00" E., 128.00 feet, by land, now or formerly, of Forsberg, to a point, at land, now or formerly, of J.C. Hester;

Thence S. 86° 29′ 00" E., 374.86 feet, by lands, now or formerly, of Hester, of F.C.& M.E. Herx, and of J.K. Lankton, respectively, to a point of curvature;

Thence Southwesterly, by a curve to the right, with a radius of 20.00 feet, an arc distance of 31.42 feet, to a point;

Thence S. 03° 31′ 00" W., 160.00 feet, to a point of curvature;

Thence Northwesterly, by a curve to the right, with a radius of 20.00 feet, an arc distance of 31.42 feet, to a point on the northerly line of Winthrop Street, the last three courses being by land, now or formerly, of Lankton;

Thence S. 86° 29′ 00" E., by the northerly line of Winthrop Street, 90.00 feet, to a point at land, now or formerly, of A.E. Benoit;

Thence Northeasterly, by a curve to the right, with a radius of 20.00 feet, an arc distance of 31.42 feet, to a point;

Thence N. 03° 31′ 00" E., 80.00 feet, to a corner, the last two courses being by land, now or formerly, of Benoit;

Thence S. 86° 29′ 00" E., 148.48 feet, to a corner and land, now or formerly. of C.B. Blair Development Corp., Inc., this course being by lands, now or formerly, of Benoit, and of E.E.& H.J.Peterson;

Thence N. 00° 41′ 00" W., 390.00 feet, to a point;

Thence N. 32° 04′ 41" E., 382.35 feet, to a point;

Thence N. 89° 19′ 00" E., 182.18 feet, to a corner and land, now or formerly, of B.L. Blakeney;

Thence N. 00° 41′ 00" W., 374.47 feet, to a corner, this course being by lands, now of formerly, of Blakeney, of R.J. Rondinone, of C.W.& A.G. Bartlett, and of T.J. & B.J. Arsenault, respectively;

Thence S. 86° 29′ 00" E., 181.95 feet, to a point of curvature;

Thence Southeasterly, by a curve to the right, with a radius of 20.00 feet, an arc distance of 29.95 feet, to a point on the westerly line of Prescott Street;

Thence N. 00° 41′ 00" W., by the westerly line of Prescott Street, 161.85 feet, to a point, at land, now or formerly, of P.A. Carlson;

Thence N. 78° 17′ 40" W., 432.78 feet, by land, now or formerly, of P.A. Carlson, to a corner;

Thence N. 14° 16′ 50" E., 336.19 feet, by lands, now or formerly, of P.A. Carlson, of F.A.& D.P. Meanor, and of M.C. Baldarelli, respectively, to a corner and land, now or formerly, of J.E. Jacobs;

Thence N. 75° 43′ 10" W., 105.74 feet, to a point;

Thence N. 83° 35′ 45" W., 64.73 feet, to a point;

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Thence N. 75° 27′ 00" W., 1127.47 feet, to a corner, and land, now or formerly, of the Town of West Boylston Water District, the last three courses being by land, now or formerly, of Jacobs;

Thence S. 08° 29′ 50" E., 295.42 feet, to a corner;

Thence S. 80° 49′ 50" W., 300.00 feet to a corner, and land, formerly of the County of Worcester, now of the Commonwealth of Massachusetts, the last two courses being by land, now or formerly, of the Town of West Boylston Water District;

Thence S. 08° 48′ 30" E., 737.16 feet, to a point at other land of the Commonwealth of Massachusetts, under the control of the Division of Watershed Management, of the Metropolitan District Commission, this course being by land of the Commonwealth, currently under the control of the Division of Capital Planning and Operations;

Thence S. 09° 03′ 43" E., 933.68 feet, to the first mentioned point on the northerly line of Winthrop Street, being the point and place of beginning, this course being by land of the Commonwealth, under control of the Division of Watershed Management of the MDC.

Containing approximately 49.64 acres, and shown as PARCEL "2" upon a plan entitled "Plan Of Land Located In West Boylston, Massachusetts Owned By C.B. Blair Development Corp. 87 Main St. Rutland, MA.", prepared by James B. Kalloch, P.L.S., dated July 12, 1995 and recorded with Worcester District Registry of Deeds as Plan 104 in Plan Book 695.

There is specifically excluded from the premises taken hereby, a certain parcel of property belonging to the Inhabitants of the Town of West Boylston, lying within the above described premises and located approximately 750 feet northerly of the northerly line of Winthrop Street, and approximately 700 feet westerly of the westerly line of Prescott Street, containing 3.23 acres, more or less, by estimate, and being more particularly bounded and described as follows:

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Beginning at a point on the southerly line of the parcel being described, said point lying N. 03° 31′ 00" W., 550 feet, more or less, fron the concluding point of the fifth course of the description set forth above;

Thence S. 86° 29′ 00" E., 293.44 feet, to a point of curvature;

Thence Northeasterly, by a curve to the right, with a radius of 275.31 feet, an arc distance of 380.73 feet, to a point;

Thence N. 14° 16′ 50" E., 19.91 feet, to the easternmost point of the property being described;

Thence N. 75° 26′ 57" W., 675.35 feet, to the northwestern corner of the lot;

Thence S. 08° 25′ 40" E., 364.56 feet, to a point of curvature;

Thence Southeasterly, by a curve to the right, with a radius of 20.23 feet, an arc distance of 27.56 feet, to the first mentioned point of this excluded parcel, being the point and place of beginning.

Also specifically excluded from the premises taken hereby is a certain parcel of land, comprising 12,800 square feet, conveyed from C.B. Blair Development Corporation to Steven J. Forsberg and Lynda C. Forsberg, by instrument dated August 8, 1995, and recorded with Worcester District Registry of Deeds at Book 17232, Page 96, shown as PARCEL "1" upon the plan referenced above.

It is noted that certain abutters named at the northeasterly corner of the premises, on the above cited recorded plan, apparently are not the actual owners of record; rather, the owners who apparently should be listed at the northeasterly corner of the property are, N/F Carlson, N/F Meanor, and N/F Baldarelli, moving from South to North.

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This order of taking is a confirmatory taking, intended to ratify the order of taking dated August 24, 1995, and recorded with said Deeds at Book 17335, Page 283. By this order of taking, the Metropolitan District Commission releases any and all right, title and interest the Commonwealth of Massachusetts may have acquired in a portion of the premises meant to be excluded from this acquisition, and does hereby except and exclude that portion of the premises referred to above as PARCEL "1" and described in a deed from C.B. Blair Development Corp. to Steven J. Forsberg and Lynda C. Forsberg, dated August 8, 1995 and recorded with said Deeds at Book 17232, Page 96.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Winthrop Street and/or Prescott Street which may be held by the supposed owner, and being, with the exception of PARCEL "1", the same premises described in a deed from Oak Woods Realty, Inc., to C.B. Blair Development Corporation, dated March 15, 1995 and recorded with said Deeds at Book 17207, Page 133.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land; but the said Commission hereby expressly grants to the Inhabitants of the Town of West Boylston, the right of ingress and egress over said premises for access to their excluded parcel as above described.

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The Commission previously awarded damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
C.B. Blair Development Corporation	$ 950,000.00

1. Report of Mr. Gray, July 9, recommending that the Commission adopt a confirmatory order of taking for approximately 11.32 acres of land owned by John B. DiPietro, et al, located in the Town of West Boylston, Massachusetts, and to ratify the earlier vote of the Commission on May 4, 1995.
The Commission V O T E D: to adopt a confirmatory order of taking for approximately 11.32 acres of land owned by John B. DiPietro, et al, located in the Town of West Boylston, Massachusetts.
The Commission further V O T E D: to ratify the earlier vote of the Commission on May 4, 1995.

CONFIRMATORY
ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, July 11, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of West Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying off of the westerly side of Campground Road, on a private cul-de-sac street known as Buttercup Lane, in the said Town of West Boylston, more particularly bounded and described as follows:

Beginning at the northeast "corner" of the parcel being described, at a concrete monument set at the southeasterly corner of a lot, now or formerly, of Raymond T. & Katherine L. Cardogno, being also a point on Buttercup Lane, said point lying approximately 350 feet westerly of the westerly sideline of the Worcester County Highway Layout of Campground Road;

Thence S. 77° 50′ 11" W., by Buttercup Lane, a distance of 28.73 feet, to another concrete monument set at a point of curvature;

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Thence By Buttercup Lane, and a curve with a radius of 60 feet, an arc distance of 145.82 feet to a point at land, now or formerly, of John B. Dipietro, Jr., shown as "Lot 3 Rev." upon a plan referenced at the conclusion of this description;

Thence N. 86° 17′ 41" W., a distance of 127.03 feet, to the northwesterly corner of "Lot 3 Rev.";

Thence S. 21° 18′ 24" W., a distance of 222.27 feet, to the southwesterly corner of "Lot 3 Rev.";

Thence On the same bearing, and by Parcel "C", other land, now or formerly, of John B. Dipietro, Jr.,a distance of 30.00 feet;

Thence S. 68° 41′ 36" E., a distance of 120.00 feet, to the southeasterly corner of "Lot 3 Rev.", and land, now or formerly, of Michael F. & Sharon Pavone;

Thence S. 21° 18′ 24" W. a distance of 148.21 feet, to a point on a stone wall, and at land, now or formerly, of James E. Simpson, this course being by land, now or formerly, of Pavone;

Thence N. 83° 51′ 56" W., by the stone wall, a distance of 51.29 feet to a drill hole found, at land, now or formerly, of Robert H. Gallo, this course being by land, now or formerly, of Simpson;

Thence N. 83° 39′ 16" W., by the wall, a distance of 188.97 feet to another drill hole found, at land, now or formerly, of Carmello & Linda Ann Isgro, this course being by land, now or formerly of Gallo;

Thence N. 84° 10′ 34" W., by the wall, a distance of 229.11 feet to another drill hole found;

Thence N. 83° 37′ 19" W., by the wall, a distance of 175.68 feet to a point;

Thence N. 82° 49′ 21" W., by the wall, a distance of 171.29 feet, to another drill hole found;

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Thence N. 82° 49′ 21" W., by the wall, a distance of 168.71 feet to a drill hole found at the southwesterly corner of the parcel herein being described, and at land, now or formerly, of William, Jr. & Joan Italiano and land, formerly of Charles Dipietro, now or formerly, of Woodhaven Campground Accociation, the last four courses being by land, now or formerly, of Isgro;

Thence N. 14° 34′ 24" E. a distance of 498.83 feet to the northwesterly corner of the parcel being described;

Thence S. 86° 17′ 41" E., a distance of 800.00 feet to a point at the southwesterly corner of land, now or formerly, of Raymond T. & Katherine L. Cardogno, the last two courses being by land, formerly, of Charles Dipietro, now or formerly, of Woodhaven Campground Association;

Thence S. 86° 17′ 41" E., a distance of 260.00 feet to the first mentioned concrete monument, being the point and place of beginning, this course being by land, now or formerly, of Cardogno.

Containing 11.32 acres, more or less, as shown as Lot 2 Rev. upon a plan entitled " Plan of Property Surveyed for John B. & Anna C. Dipietro, Campground Road, West Boylston Massachusetts", prepared by Central Mass. Land Survey, Inc., dated June 1995, which plan is recorded with the Worcester District Registry of Deeds as Plan 17 in Plan Book 695.

This order of taking is a confirmatory taking, intended to ratify the order of taking dated May 4, 1995 and recorded with said Deeds at Book 17071, Page 37. By this order of taking, the Metropolitan District Commission releases any and all fee interest which the Commonwealth of Massachusetts may have acquired in a portion of the premises meant to be excluded from this acquisition, and does hereby except and exclude that portion of the premises referred to above as "Buttercup Lane".

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Also taken in this order is the non-exclusive right to use the private way and cul-de-sac shown upon the above referenced plan as "Buttercup Lane" for all purposes for which public ways are customarily used. Said right is taken subject to and in acknowledgement of a covenant with the Town of West Boylston for the use and maintenance of said private way, in an instrument recorded with said Deeds at Book 16443, Page 210, and also in light of the assumption, by John Barry DiPietro, Jr., of the obligation to maintain and repair said way, under the requirements of the sixth paragraph of the covenant, as provided for in a deed from Anna C. DiPietro and John B. DiPietro to John Barry DiPietro, Jr., dated July 20, 1996 and recorded with said Deeds at Book 17184, Page 101.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being a portion of the same premises described in a deed from Anna C. Dipietro to Anna C. Dipietro and John B. Dipietro, as Joint Tenants, dated August 12, 1992 and recorded with Worcester District Registry of Deeds at Book 14536, Page 145.

The above described property is represented upon West Boylston Assessors Plans as the westerly and major portion of Parcel 15, on Map 114.

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AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land, and specifically reserving to the supposed owners, their heirs and succesors, or the Town of West Boylston, should said Town accept Buttercup Lane as a public way at some future date, the right to enter upon the parcel, described above and taken herein, for the purposes of constructing, improving and maintaining drainage structures and appropriate slopes to ensure proper drainage from Buttercup Lane, also likewise reserved is such incidental entrance and occupation along the margins of the cul-de-sac as may be necessary for the pavement of and/or the plowing of snow upon Buttercup Lane.

The Commission previously awarded damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Anna C. Dipietro and John B. Dipietro	$ 90,000.00

1. Report of Mr. Gray, July 9, recommending that the Commission adopt a confirmatory order of taking for approximately 0.761 acres of land owned by Robert D. Meenan, et ux, located in the City of Quincy, Massachusetts, and to ratify the earlier vote of the Commission on July 15, 1993.
The Commission V O T E D: to adopt a confirmatory order of taking for approximately 0.761 acres of land owned by Robert D. Meenan, et ux, located in the City of Quincy, Massachusetts.
The Commission further V O T E D: to ratify the earlier vote of the Commission on July 15, 1993.

CONFIRMATORY
ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, July 11, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, and Sections 33 and 79 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for park and reservation and protection of open space purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the City of Quincy, in the County of Norfolk and Commonwealth of Massachusetts, namely:

A certain parcel of land in said Quincy, bounded and described as follows:

Beginning at a point on the former centerline of Bunker Hill Lane at its northerly end, at land formerly of Yankee Park Associates, now of the Commonwealth of Massachusetts, Metropolitan District Commission;

Thence running through Bunker Hill Lane, on the following two (2) courses:
S. 10° 20′ 27" E., 117.78 feet, by the former centerline of the street, to a point;
S. 74° 22′ 44" W., 14.43 feet, to a point in the easterly line of land of Robert D. & Mary G. Meenan;

Thence running through land of Meenan, on the following three courses:
N. 14° 30′ 21" W., 9.73 feet, to a concrete bound set;

S. 66° 07′ 39" W., 182.00 feet, to a concrete bound set;
S. 23° 52′ 21" E., 100.00 feet, to another concrete bound set at a point in the northerly line of land, now or formerly, of Stephen L. Conroy, Jr. et ux;

Thence running along land, now or formerly, of Conroy,
S. 66° 07′ 39" W., 200.00 feet, to a concrete bound set at a point in the easterly line of land, formerly of Thomas J. Fitzgerald, now of the Commonwealth of Massachusetts, Metropolitan District Commission;

Thence running along land of the Commonwealth, MDC
N. 32° 26′ 37" W., 63.11 feet, to a stone bound found at a point in the southeasterly line of land, formerly of Edward J. Lacey, Trustee, now of the Commonwealth of Massachusetts, MDC;

Thence running along land, formerly of Lacey, Trustee, the following two (2) courses:
N. 47° 27′ 13" E., 411.04 feet, to a drill hole set in a boulder;
N. 47° 52′ 23" E., 28.17 feet, to the first mentioned point in the former centerline at the northerly end of Bunker Hill Lane, being the point and place of beginning.

Containing 33,154 square feet, or 0.761 acres, as shown upon a plan entitled "The Commonwealth Of Massachusetts, Metropolitan District Commission, Land Taking Plan Quincy, Massachusetts", prepared by Cullinan Engineering Co., Inc., dated June 25, 1993, revised October 20, 1993, which plan shall be recorded with Norfolk County Registry of Deeds, and made a part hereof.

Also taken herein is an easement for access and egress purposes across a portion of Bunker Hill Lane which is supposed to be privately owned by the said Robert D. Meenan and Mary G. Meenan, the location of which is described as follows:

Beginning at a point in the center of the northerly terminus of Bunker Hill Lane, a 30 foot wide public way, as described in the April 2, 1962 Layout;

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Thence S. 74° 22′ 44" W., 14.43 feet, to a point;

Thence N. 14° 30′ 21" E., 9.73 feet, to a concrete bound set;

Thence N. 66° 07′ 39" E., 15.51 feet, to a point in the former centerline of the Lane;

Thence S. 10° 20′ 27" E., 12.00 feet, by the former centerline of the Lane, to the point and place of beginning.

Containing an easement area of 161 square feet, more or less, shown upon the above cited revised survey plan, to be recorded, as "Easement Area."

This order of taking is a confirmatory taking, intended to ratify the order of taking dated July 15, 1993 and recorded with Norfolk County Registry of Deeds at Book 10015, Page 267. By this order of taking, the Metropolitan District Commission releases any and all fee and or easement interest which the Commonwealth of Massachusetts may have acquired in a portion of the premises meant to be excluded from this acquisition.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being a portion of the same premises described in a deed from Merlyn T. Meenan to Robert D. Meenan and Mary G. Meenan, dated July 26, 1972 and recorded with Norfolk County Registry of Deeds at Book 4852, Page 560.

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AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said lands, and excluding all easements of record on, over, under, across and through said land.

The Commission previously awarded damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Robert D. Meenan and Mary G. Meenan	$ 80,000.00

1. Report of Mr. Gray, July 8, recommending that the Commission declare surplus and transfer in accordance with the provisions of Chapter 253 of the Acts of 1995, that certain parcel of land located in the Town of Holden and comprising approximately 12.755 acres, to Vincent A. Mischitelli, et ux, provided that all design and construction documents relating to the improvement and use of the parcel for parking purposes shall be submitted for prior review and approval to the MDC Division of Watershed Management.
The Commission V O T E D: to declare surplus and transfer in accordance with the provisions of Chapter 253 of the Acts of 1995, that certain parcel of land located in the Town of Holden and comprising approximately 12.755 acres, to Vincent A. Mischitelli, et ux, provided that all design and construction documents relating to the improvement and use of the parcel for parking purposes shall be submitted for prior review and approval to the MDC Division of Watershed Management.

Action was taken upon the following Various Matters:

2. Report of Mr. French, July 10, recommending that permission be granted to the Revere Beach Centennial Committee to conduct the 100th Anniversary Celebration and associated activities at Revere Beach from July 19, through July 21, 1996.
Mr. French further requests that the Commission execute the Permit.
The Commission V O T E D: permission to the Revere Beach Centennial Committee to conduct the 100th Anniversary Celebration and associated activities at Revere Beach from July 19, through July 21, 1996.
The Secretary then submitted for signature Permit, dated July 11, 1996, with the Revere Beach Centennial Committee, which was signed by the Commissioner and three Associate Commissioners.

3. Report of Mr. Jewett, July 10, requesting approval of a pilot program and execution of a Permit-Agreement with Owl Parking Company, Inc., for parking lot operation and management services for the Charles River Dam, at the foot of Beverly Street, Boston. (The high bidder Pinstripe Parking, Inc., had miscellaneous information missing from its submission and failed to submit the information by a set date and time. Therefore, Owl Parking Co., the next highest bidder, submitting all required information, is being recommended for award with a bid of $151,900.00, paid in monthly installments of $12,658.33. Duration of the Permit-Agreement shall be from 6:00 p.m., July 12, 1996 through June 30, 1997, during early evening to early morning hours on weekdays and on weekends and holidays).
Associate Commissioner Wu asked if the high bidder, Pinstripe Parking, Inc., was given adequate time to respond to the request of the Contract Administrator's Office for the miscellaneous information including an audited financial statement. He stated that he did not want Pinstripe Parking, Inc., to come back at a later date asserting that they were not given adequate time to respond to the request.
Mr. Jewett explained that Pinstripe Parking, Inc., had well over

two weeks to respond to the request. During that time, several phone calls were made to the firm requesting the information. He then noted that as a last resort, a Registered Letter, Return Receipt Requested, was sent to the firm requesting the information no later than 9:00 A.M., July 8, 1996. The Receipt was returned to his office signed showing that the letter was received on July 5, 1996.

Mr. Jewett noted that failing to receive the information by the specified date and time, he was left with no alternative but to recommend award to the second high bidder, Owl Parking Co.

Associate Commissioner Wu then asked if Pinstripe Parking, Inc., knew what the other proposers had bid. Mr. Jewett responded that Pinstripe Parking, Inc., was aware as two of their representatives were present when the bids were opened.

After a lengthy discussion, Mr. Jewett noted that the Request for Proposals included provisions for MDC employees, who work after regular business hours, to be provided parking at the lot. He then explained that final details for the employee parking will be worked out with the parking lot operator.

Associate Commissioner Wu then noted that the complete lack of response was a clear indication that Pinstripe Parking, Inc., did not want to operate the parking lot.

The Commission V O T E D: Approved as requested by Mr. Jewett in his report of July 10, 1996.

The Secretary then submitted for signature Permit-Agreement, dated July 11, 1996, with Owl Parking Co., which was signed by the Commissioner and three Associate Commissioners.

Adjourned at 10:05 a.m., to meet on Thursday, July 18, 1996, at 9:00 a.m.

William F. Russell
Secretary

Record of the Three Thousand Seven Hundred and Seventy Ninth (3779th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Monday, July 22, 1996 at 10:30 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meeting held on June 20, 1996 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and three Associate Commissioners:

1. Contract No. P96-1831-C1A, dated July 22, 1996, with Wayne and Company, for Building Demolition and Site Improvements.

2. Contract No. P96-1845-M1A, dated July 22, 1996, with Fallon-Williams Service, for Service, Maintain and Repair Heating, Ventilation and Air Conditioning Systems at Various Flood Control/Navigation Sites.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Mr. Faucher and Mrs. Grave-Jones, June 27, recommending approval of Extra Work Order No. 1 - for new controller and cabinet complete in place - at a cost of $11,300.00, on Contract No. P96-1836-M1A, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic Signal and Control Systems (Old Colony and Blue Hills Districts).
Account No. 2444-9001.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $11,300.00.

4. Report of Messrs. Faucher and Abounaja, July 5, recommending approval and execution of Amendment No. 1, for Installation of four 1/4 inch gas probes to screen for methane, hydrogen sulfide and volatile organic compounds, at a cost of $1,734.00, and to pay the Department of Environmental Protection fees for Initial Site Assessment - $700.00, Comprehensive Site Assessment - $2,800.00, Corrective Action Alternatives - $1,800.00 and Corrective Action Design - $2,150.00 - at a total cost of $9,234.00, on Contract No. P96-1835-D1A, with GZA Environmental Inc., for Unquity Dump Landfill Capping,located at the Blue Hills Reservation, Milton.
Account No. 2441-9952.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment No. 1, dated July 22, 1996, on Contract-Agreement No. P96-1835-D1A, with GZA Environmental Inc., which was signed by the Commissioner and two Associate Commissioners.
Associate Commissioner Elkort did not participate in discussion nor vote on this matter.

5. Report of Messrs. Faucher and DiPietro, July 9, recommending the

following on Contract No. P94-1745-X2A, with Clean Harbors Environmental Services, Inc., for Disposal of Hazardous Waste at Redman Farm Barn, Canton -
(a) That work be accepted as completed as of June 6, 1996.
(b) That Invoice No. 1 (Final), in the amount of $11,880.00, be approved for payment.
(Basis of Award - Upset Limit - $13,605.00)
(Amount to Date - $11,880.00)
(Contract Performance Rating - 8.50 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Clean Harbors Environmental Services, Inc., Consultant under Contract-Agreement No. P94-1745-X2A, be and hereby is accepted as completed as of June 6, 1996.
The Commission further V O T E D: to approve Invoice No. 1 (Final), in the amount of $11,880.00, for payment.
Associate Commissioner Elkort did not participate in discussion nor vote on this matter.

1. Report of Messrs. Faucher and Brooks, July 12, on bids for Maintenance of Refrigeration Systems Located in Ice Skating Rinks Within the Metro Parks System, Contract No. P96-1859-M1A.
(Messrs. Faucher and Brooks recommend acceptance of the lowest bid received, that of Lewis Refrigeration Co., Inc., of $582,250.00).
The Commission V O T E D: to accept the lowest bid received, that of Lewis Refrigeration Co., Inc., of $582,250.00.

2. Report of Messrs. Faucher and McCalla, July 8, recommending approval of a revision in quantities on Item No. 5 - Material, Components and Parts - at a cost of $24,000.00, on Contract No. P94-1737-M1A, with Coviello Electric and General Contracting Co., Inc., for Electronic and Sound System Maintenance Work at Various Locations.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item Nos. 1, 2, 3, 4 and 6).
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and McCalla, July 8, recommending approval of a revision quantities on Item No. 005-010 - Materials - at a cost of $8,000.00, on Contract No. P94-1736-M1A, with Coviello Electric and General Contracting Co., Inc., for Electrical Maintenance Work at Sports Facilities and Recreational Areas of the Metropolitan District.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item Nos. 1, 2, 3, 4, 6, 7 and 8).
The Commission V O T E D: Approved.

4. Report of Miss Overton and Messrs. Faucher and Orfant, July 11, recommending the following on Contract No. P96-1839-C1A, for the Boston Beaches - George's Island Picnic Pavilion -
1. That the Commission approve a change in Account Nos. from 2440-8956 to 2440-8889.
2. That the Commission accept the low bid received for the project, that of Bull Contracting Corporation, Inc., in the amount of $105,400.00.

3. That Commissioner Balfour be authorized to execute the Contract on behalf of the Commission.

The Commission V O T E D: to approve a change in Account Nos. from 2440-8956 to 2440-8889.
The Commission further V O T E D: to accept the lowest bid received for the project, that of Bull Contracting Corporation, Inc., in the amount of $105,400.00.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Contract on behalf of the Commission, as recommended by Miss Overton and Messrs. Faucher and Orfant.

Action was taken upon the following matters relating to the Division of Watershed Management:

1. Report of Messrs. McGinn and Robert O'Connor, July 12, recommending approval and execution of an Amendment to Contract No. WM-95-076-S1A, with Berkshire Design Group, Inc., for Analysis and Planning Service, which provides for an extension of time from August 31, 1996 to December 31, 1996, in order to allow adequate time to complete the land analysis and planning services.
(At no increase in Contract cost).
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment, dated July 22, 1996, with Berkshire Design Group, Inc., which was signed by the Commissioner and three Associate Commissioners.

2. Report of Messrs. McGinn and Robert O'Connor, July 11, submitting for approval and execution Project No. WM-97-076-S2A, with BSC Group, Inc., for Land Analysis and Planning Services Project: Phase II.
Contract cost - Lump sum not-to-exceed $7,300.00.
Time for Performance - July 18, 1996 to December 31,1996.
Account No. 2420-1400.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract-Agreement No. WM-97-076-S2A, with BSC Group, Inc., which was signed by the Commissioner and three Associate Commissioners.

3. Report of Messrs. McGinn and Robert O'Connor, July 11, submitting for approval and execution Project No. WM-97-076-S3A, with Daylor Consulting Group, Inc., for Land Analysis and Planning Services Project: Phase II.
Contract - lump sum, not-to-exceed $10,840.00.
Time of Performance - July 18, 1996 to December 31, 1996.
Account No. 2420-1400.
The Commission V O T E D: to approve Project No. WM-97-076-S3A, with Daylor Consulting Group, Inc., for Land Analysis and Planning Services Project: Phase II.
As the Contract-Agreement did not arrive in time for execution by the entire Commission, Mr. Jewett requested that Commissioner Balfour be authorized to execute the Contract-Agreement once it has been received.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Contract-Agreement on behalf of the Commission.

1. Report of Mr. McGinn and Ms. Austin, July 9, recommending the following on Contract No. WM94-060-S1A, with University of Massachusetts, Amherst Grants, for Contaminant Transport Modeling and Impact of Watershed Management Activity on Quabbin -
(a) That work be accepted as completed as of February 26, 1996.
(b) That Invoice No. 17 (Final), in the amount of $2,440.39, be approved for payment.
(Basis of Award - $96,885.00)
(Final Cost - $96,780.59)
(Consultant Rating - 9.50 with 10.00 being excellent).
(EEO Compliance - N/A)
The Commission V O T E D: that the work of the University of Massachusetts, Amherst Grants, Consultant under Contract No. WM94-060-S1A, be and hereby is accepted as completed as of February 26, 1996.
The Commission further V O T E D: to approve Invoice No. 17 (Final), in the amount of $2,440.39, for payment.

2. Report of Messrs. McGinn and Robert O'Connor, July 12, submitting for approval Work Schedule, Project Summary and Project Justification for Project No. WM-97-080-S1A, with the National Wildlife Federation, Northeast Natural Resource Center, Smart Wood Program, for the following tasks -
1. A "green certification" assessment of the Division's Forest Management Program on the 58,000 acres of land at Quabbin Reservoir.
2. A comparative analysis of forest management practices of MDC and two other "state-of-the-art" water supply utilities.
3. A market analysis of "green certified" forest products within the Quabbin region.
Cost - not-to-exceed $32,000.00.
Time for Performance - August 1, 1996 to June 30, 1997.
Account No. 2420-1400.
The Commission V O T E D: Approved as recommended by Messrs. McGinn and O'Connor in their report of July 12, 1996.

3. Report of Messrs. McGinn and Robert O'Connor, July 16, on proposals for the purchase of roadside cordwood located on the Quabbin Reservoir Watershed.
The Commission V O T E D: to accept the highest qualified bid, that of Philip Johnson, of $1,136.00; to purchase approximately 15 cords of firewood on Roadside Sale No. 53 - Quabbin Reservoir Watershed.

4. Report of Mr. McGinn, July 22, requesting approval and authorization for Commissioner Balfour to execute on behalf of the Commission a Memorandum of Agreement with the Massachusetts Water Resources Authority for the Sudbury Dam Trust, which will enable the Commission to complete critical repairs to the toe drain.
Estimated time for performance - twelve months.
At no cost to the Commission.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization for Commissioner

Balfour to execute on behalf of the Commission a Memorandum of Agreement with the Massachusetts Water Resources Authority for the Sudbury Dam Trust.

Action was taken upon the following matter relating to the Reservations and Historic Sites Division:

1. Report of Mr. Broderick, July 19, recommending that the Commission name the former Kents Carpet Site located at the corner of Davis Street and Quincy Shore Drive, Quincy, Massachusetts, located within Quincy Shores Reservation, Wollaston Beach, as the DON KENT PARK.
The Commission V O T E D: Approved as recommended by Mr. Broderick in his report of July 19, 1996.

Action was taken upon the following matter relating to the Office of Planning:

2. Report of Mrs. O'Brien, July 12, requesting approval and authorization for Commissioner Balfour to execute on behalf of the Commission, two Interdepartmental Service Agreements (ISA's) between the Mass Highway Department (MHD) and the MDC, for the New Charles River Basin, as follows -
1. Design of the Nashua Meadows parcel of the New Basin. This executed ISA will enable the transfer of $1,420,333.00 from MHD to MDC.
2. Design of the Historic Dam North and South Parcels. This executed ISA will enable the transfer of $560,000.00 from MHD to MDC.

Mr. Haglund explained that the Massachusetts Highway Department (MHD) has requested that the Interdepartmental Service Agreements (ISA's) budgets as presented to the Commission be adjusted. He stated that the request was made by MHD so that allocations can be made in each of the ISA's for MDC management costs.
Mr. Haglund noted that one of the two years of MDC personnel costs of $238,667.00, would be transferred from Design of the Nashua Meadows ISA to the Design of the Historic Dam North and South ISA. This, he pointed out, would result in new totals of $1,181,667.00 in the Design of the Nashua Meadows ISA and $798,667.00 in the Design of Historic Dam North and South ISA.
Mr. Haglund further explained that MHD also proposed minor modifications in the language of the ISA's. He stated that the MDC's Planning Office would like to review the modifications before presenting the final documents to Commissioner Balfour for execution.
Associate Commissioner Elkort requested that once the review has been completed by the Planning Office, and prior to execution by Commissioner Balfour, if any significant changes have been made to the documents that they be presented once again to the Commission for review.
The Commission V O T E D: Approved as follows -
1. Design of the Nashua Meadows parcel of the New Basin. This executed ISA will enable the transfer of $1,181,667.00 from MHD to MDC.

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2. Design of the Historic Dam North and South Parcels.
This executed ISA will enable the transfer of $798,667.00 from MHD to MDC.

The Commission further V O T E D: authorization for Commissioner Balfour to execute on behalf of the Commission, two Interdepartmental Service Agreements (ISA's) between the Mass Highway Department (MHD) and the MDC, for the New Charles River Basin, as requested by Mrs. O'Brien in her report of July 12, 1996.

Action was taken upon the following Various Matters:

1. Report of Mr. Jewett, July 16, requesting that the Commission amend its vote of February 16, 1996, on Contract-Agreement No. P94-1712-D1A, with Metcalf and Eddy, for George's Island Seawall Restoration - Engineering Services, by increasing the contract compensation from $50,000.00 to $58,707.00, due to the need to add several minor elements to the scope of services.
Mr. Jewett further requests that the Commission execute the Contract-Agreement.
Account No. 2440-8889.
The Commission V O T E D: to amend its vote of February 16, 1996, on Contract-Agreement No. P94-1712-D1A, with Metcalf and Eddy, for George's Island Seawall Restoration - Engineering Services, by increasing the contract compensation from $50,000.00 to $58,707.00.
The Secretary then submitted for signature Contract-Agreement No. P94-1712-D1A, dated July 22, 1996, with Metcalf and Eddy, which was signed by the Commissioner and three Associate Commissioners.

2. Report of Mr. Jewett, July 18, requesting that the Commission amend its vote of December 8, 1994, on Contract-Agreement No. P92-1660-D1A, with Goodkind & O'Dea, Inc., for Design Services for Sub-Structure Repair to the Neponset River Bridge, Boston and Quincy, by increasing compensation from $200,000.00 to $268,255.12, due to the result of negotiations with the Consultant in developing the final scope of services.
Mr. Jewett further request that the Commission execute the Contract-Agreement.
Account No. 2440-8889.
The Commission V O T E D: to amend its vote of December 8, 1994, on Contract-Agreement No. P92-1660-D1A, with Goodkind & O'Dea, Inc., for Design Services for Sub-Structure Repair to the Neponset River Bridge, Boston and Quincy, by increasing compensation from $200,000.00 to $268,255.12.
The Secretary then submitted for signature Contract-Agreement No. P92-1660-D1A, dated July 22, 1996, with Goodkind & O'Dea, Inc., which was signed by the Commissioner and three Associate Commissioners.

3. At this point, Associate Commissioner Elkort noted that a new format has been instituted by the Comptroller's Office requiring that the Associate Commissioners sign on the second page of the Standard Contract Form. She requested that in the future the signature page indicate the Project Title and Contract Number to eliminate any confusion that may arise.

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122, 1996 Action was taken upon the following matters relating to the Office of Real Property:

1. Report of Mr. Gray, July 15, recommending that the Commission adopt an Order of Taking and affirm the earlier vote of the Commission on June 20, 1996, for acquisition of approximately 64.653 acres of land owned by the City of Quincy, located in the Town of Braintree, Massachusetts, and to approve an award of damages in the amount of $1.00.
Account No. 2440-8840.
The Commission V O T E D: to adopt an Order of Taking and affirm the earlier vote of the Commission on June 20, 1996, for acquisition of approximately 64.653 acres of land owned by the City of Quincy, located in the Town of Braintree, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, July 22, 1996

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 803 of the Acts of 1972, Chapter 1180 of the Acts of 1973, Chapter 147 of the Acts of 1978, and Chapter 723 of the Acts of 1983, and acts in amendment thereof or in addition thereto, and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, in the name and for the benefit of the Commonwealth of Massachusetts, in fee, for flood control purposes, the following described parcel situated in the Town of Braintree in the County of Norfolk and Commonwealth of Massachusetts, namely:

A certain parcel of land containing approximately 64.653 acres, as shown on a plan entitled "Plan of Land at Braintree, Massachusetts, taken for Reservoir Purposes by the Quincy Water Co.," prepared by E.A.W. Hammatt, C.E., dated August 1887, and recorded with the Norfolk County Registry of Deeds as Plan No. 477, and which property is more particularly described in an order of taking by the Quincy Water Company dated November 16, 1887, and recorded with said Deeds in Book 598, Page 261.

Meaning and intending to take hereby the above described premises, howsoever the same may be bounded and described, including all those easements and rights previously acquired by the Quincy Water Company and the Town of Braintree which benefit said premises and comprise its attendant water delivery and drainage systems.

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AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land; provided, however, said Commission does also take and expressly reserve hereby, any rights and easements of record and any appurtenant rights and easements which may benefit the said premises and said flood control project.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
City of Quincy	$ 1.00

The Commission further V O T E D: to approve an award of damages in the amount of $1.00.

1. Report of Messrs. Gray and Hart, July 10, recommending the following on Contract No. RP96-0003-07, with Schofield Brothers of New England, Inc., for Professional Land Surveying Services for Watershed Lands Acquisition Program -
(a) That work be accepted as completed as of June 29, 1996.
(b) That Invoice No. 1 (Final), in the amount of $11,609.50, be approved for payment.
(Basis of Award - $11,700.00)
(Final Cost - $11,609.50)
(Consultant Rating - 9.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Schofield Brothers of New England, Inc., Consultant under Contract No. RP96-0003-07, be and hereby is accepted as completed as of June 29, 1996.
The Commission further V O T E D: to approve Invoice No. 1 (Final), in the amount of $11,609.50, for payment.

2. Report of Messrs. Gray and Hart, July 12, recommending the following on Contract No. RP96-0003-01, with Ainsworth Associates, Inc., for Professional Land Surveying Services for Watershed Lands Acquisition Program -
(a) That work be accepted as completed as of June 26, 1996.
(b) That Invoice No. 1 (Final), in the amount of $4,912.00, be approved for payment.
(Basis of Award - $4,912.00)
(Final Cost - $4,912.00)
(Consultant Rating - 9.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Ainsworth Associates, Inc., Consultant under Contract No. RP96-0003-01, be and hereby is accepted as completed as of June 26, 1996.
The Commission further V O T E D: to approve Invoice No. 1 (Final), in the amount of $4,912.00, for payment.

3. Report of Messrs. Gray and Hart, July 11, recommending the following on Contract No. RP96-0003-02, with Andrysick Land Surveying, Inc., for Professional Land Surveying Services for Watershed Lands Acquisition Program -
(a) That work be accepted as completed as of June 27, 1996.
(b) That Invoice No. 1 (Final), in the amount of $17,535.00, be approved for payment.
(Basis of Award - $19,725.00)
(Final Cost - $17,535.00)
(Consultant Rating - 9.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Andrysick Land Surveying, Inc., Consultant under Contract No. RP96-0003-02, be and hereby is accepted as completed as of June 27, 1996.
The Commission further V O T E D: to approve Invoice No. 1 (Final), in the amount of $17,535.00, for payment.

3. Report of Messrs. Gray and Hart, July 10, recommending the following on Contract No. RP96-0003-03, with Bouley Brothers, Inc., for Professional Land Surveying Services for Watershed Lands Acquisition Program -

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(a) That work be accepted as completed as of June 26, 1996.
(b) That Invoice No. 1 (Final), in the amount of $1,360.00, be approved for payment.
(Basis of Award - $1,360.00)
(Final Cost - $1,360.00)
(Consultant Rating - 8.50 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Bouley Brothers, Inc., Consultant under Contract No. RP96-0003-03, be and hereby is accepted as completed as of June 26, 1996.
The Commission further V O T E D: to approve Invoice No. 1 (Final), in the amount of $1,360.00, for payment.

1. Report of Messrs. Gray and Hart, July 12, recommending the following on Contract No. RP96-0003-04, with Cullinan Engineering, Inc., for Professional Land Surveying Services for Watershed Lands Acquisition Program -
(a) That work be accepted as completed as of June 30, 1996
(b) That Invoice No. 1 (Final), in the amount of $18,828.00, be approved for payment.
(Basis of Award - $18,828.00)
(Final Cost - $18,828.00)
(Consultant Rating - 8.50 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Cullinan Engineering, Inc., Consultant under Contract No. RP96-0003-04, be and hereby is accepted as completed as of June 30, 1996.
The Commission further V O T E D: to approve Invoice No. 1 (Final), in the amount of $18,828.00, for payment.

2. Report of Messrs. Gray and Hart, July 12, recommending the following on Contract No. RP96-0003-05, with Hub Survey Associates, Inc., for Professional Land Surveying Services for Watershed Lands Acquisition Program -
(a) That work be accepted as completed as of June 30, 1996.
(b) That Invoice No. 1 (Final), in the amount of $9,020.00, be approved for payment.
(Basis of Award - $3,090.00)
(Amendment No. 1 increased cost to - $9,940.00)
(Final Cost - $9,020.00)
(Consultant Rating - 9.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Hub Survey Associates, Inc., Consultant under Contract No. RP96-0003-05, be and hereby is accepted as completed as of June 30, 1996.
The Commission further V O T E D: to approve Invoice No. 1 (Final), in the amount of $9,020.00, for payment.

3. Report of Messrs. Gray and Hart, July 10, recommending the following on Contract No. RP96-0003-06, with James E. Gaffney Co., for Professional Land Surveying Services for Watershed Lands Acquisition Program -
(a) That work be accepted as completed as of June 24, 1996.
(b) That Invoice No. 1 (Final), in the amount of $7,020.00, be approved for payment.

(Basis of Award - $7,020.00)
(Final Cost - $7,020.00)
(Consultant Rating - 9.00 with 10.00 being excellent)
(EEO Compliance - N/A)

The Commission V O T E D: that the work of James E. Gaffney Co., Consultant under Contract No. RP96-0003-06, be and hereby is accepted as completed as of June 24, 1996.

The Commission further V O T E D: to approve Invoice No. 1 (Final), in the amount of $7,020.00, for payment.

1. Report of Mr. Gray, July 22, recommending that the Commission amend its vote of July 11, 1996, disposing of 12.755 acres in Holden, Massachusetts, to Vincent A. Mischitelli, et ux, pursuant to Chapter 253 of the acts of 1995 by changing acres to read square feet (12,755 square feet).

The Commission V O T E D: to amend its vote of July 11, 1996, disposing of 12.755 acres in Holden, Massachusetts, to Vincent A. Mischitelli, et ux, pursuant to Chapter 253 of the acts of 1995 by changing acres to read square feet (12,755 square feet).

Adjourned at 11:15 a.m., to meet on Thursday, August 1, 1996, at 9:00 a.m.

William F. Casella
Secretary

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Record of the Three Thousand Seven Hundred and Eightieth (3780th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, August 1, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Settles and Wu.

The Records of the Commission Meeting held on July 11, 1996 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Contract No. P96-1859-M1A, dated August 1, 1996, with Lewis Refrigeration Co., Inc., for Maintenance of Refrigeration Systems Located in Ice Skating Rinks Within the Metro Parks System.

At this point, the Commissioner and Assoicate Commissioners unanimously adopted the following Resolution:

2. RESOLVED: That the Metropolitan District Commission, assembled in its Meeting held on August 1, 1996, does hereby express its deep and sincere appreciation to John W. Wright, General Counsel, for over twenty-five years of professional, productive service with the Commission and for the example he has set as a conscientious and dedicated public servant; that he will be missed by his many friends and co-workers; that the Commissioner and Associate Commissioners, constituting said Metropolitan District Commission, do hereby extend to him their cordial best wishes that the years of his retirement may by many, and that they may be fruitful in the happiness and contentment he so richly deserves; that this Resolution be spread upon the records of this Meeting; and that the Secretary prepare and forward a suitably inscribed copy thereof to Mr. Wright.

Action was taken upon the following matters relating to the Engineering and Construction Division:

3. Report of Messrs. Faucher and Arinella, July 11, requesting approval of an extension of time from July 31, 1996 to September 30, 1996, and an increase of $10,000.00 in funding for Contract No. P95-1799-M1A, with Balfour Engineering Co., Inc., for Service to Hydraulic Power Systems Flood Control/Navigation Sites.
(The extension and increase are necessary to cover any emergency work on hydraulic equipment pending award of FY97 contract).
The Commission V O T E D: to approve an extension of time from July 31, 1996 to September 30, 1996, as requested by Messrs. Faucher and Arinella in their report of July 11, 1996, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Messrs. Faucher and Jackson, July 25, requesting that the Commission designate the corner of Land Boulevard and Binney Street in Cambridge, as PUGH's CORNER.
The Commission V O T E D: Approved.

1. Report of Miss Overton and Messrs. Faucher and Orfant, July 26, recommending approval of the request of Ledgewood Construction Company, Inc., Contractor on Contract No. P96-1826-C1A, for Boston Harbor Beaches: Early Resanding, for an extension of time from July 31, 1996 to August 31, 1996, due to delay caused by removal of an underground storage tank by Squantum Yacht Club. (At no additional Contract cost).
The Commission V O T E D: to approve the extension of time from July 31, 1996 to August 31, 1996, as recommended by Miss Overton and Messrs. Faucher and Orfant in their report of July 26, 1996, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.
Associate Commissioner Elkort did not participate in discussion nor vote on this matter.

2. Report of Messrs. Faucher and Mayhew, July 26, recommending approval of an extension of time from July 12, 1996 to July 26, 1996, on Contract No. P96-1865-C1A, with Jay-Mor Enterprises, for Demolition of Garage and Bathhouse, Revere, MA, due to the need to install paving in the area of demolished buildings and completion of paperwork.
(At no increase in Contract cost).
The Commission V O T E D: to approve an extension of time from July 12, 1996 to July 26, 1996, as recommended by Messrs. Faucher and Mayhew in their report of July 26, 1996, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

Action was taken upon the following Various Matters:

3. Report of Messrs. Kerins and Glavin, recommending that Laidlaw Waste Systems, Inc., be awarded a service contract for the disposal of approximately 175 tons of trash per year at the bid price of $59.00 a ton at an estimated cost of $10,355.00 per year for the period from July 1, 1996 through June 30, 1998.
Account No. 2440-0010.
(Laidlaw Waste Systems, Inc., is the only disposal firm that can provide service for emptying trucks at odd hours, as a result of "Special Events", seven days per week).
The Commission V O T E D: to award a service contract to Laidlaw Waste Systems, Inc., for the disposal of approximately 175 tons of trash per year at the bid price of $59.00 a ton at an estimated cost of $10,355.00 per year for the period from July 1, 1996 through June 30, 1998, as recommended by Messrs. Kerins and Glavin.

4. Report of Mr. Jewett, July 29, submitting for approval and execution a Permit Agreement with Norumbega AA Groups to allow the non-profit therapeutic organization to conduct meetings of its membership in Commission property located at 107 Charles Street, Newton, for an initial term of one year starting on the date of Commission execution and continue in force upon the same terms and conditions for a further term of one year and for annual terms thereafter unless terminated as provided in the Permit.
Compensation to the Commission $200.00 per month.
The Commission V O T E D: Held Over - pending receipt of further information from Mr. McDonald concerning liability issues.

1. Report of Mr. Jewett, July 29, submitting for approval and execution a Permit Agreement with SLAA Groups (2) to allow the non-profit therapeutic organization to conduct meetings of its membership in Commission property located at 107 Charles Street, Newton, for an initial term of one year starting on the date of Commission execution and continue in force upon the same terms and conditions for a further term of one year and for annual terms thereafter unless terminated as provided in the Permit. Compensation to the Commission $40.00 per month - meetings held twice on Sundays for one and one half hour durations.
The Commission V O T E D: Held Over - pending receipt of further information form Mr. McDonald concerning liability issues.

2. Report of Mr. Jewett, July 29, submitting for approval and execution a Permit Agreement with Farm AA Groups to allow the non-profit therapeutic organization to conduct meetings of its membership in Commission property located at Seven Brush Hill Road, Milton, for an initial term of one year starting on the date of Commission execution and continue in force upon the same terms and conditions for a further term of one year and for annual terms thereafter unless terminated as provided in the Permit. Compensation to the Commission $225.00 per month.
The Commission V O T E D: Held Over - pending receipt of further information form Mr. McDonald concerning liability issues.

3. Report of Mr. Jewett, July 29, on behalf of the Consultant Selection Committee, recommending selection of Comprehensive Environmental Incorporated, for Contract No. PL95-038-D1A, for Chapter 21E - Environmental Services for New Charles River Basin/North Point Park.
Mr. Jewett further requests that the Commission execute the Contract.
Compensation - not-to-exceed $75,000.00 for Phase I.
Time for Performance - six months for Phase I and twelve months for Phase II if necessary.
Account No. 2449-1002.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract No. PL95-038-D1A, dated August 1, 1996, with Comprehensive Environmental Incorporated, for Chapter 21E - Environmental Services for New Charles River Basin/North Point Park, which was signed by the Commissioner and four Associate Commissioners.

Action was taken upon the following matters relating to the Watershed Management Division:

4. Report of Messrs. McGinn and Robert O'Connor and Ms. Zilligen, July 25, recommending the following on Contract No. WM95-008-S1A, with Steinberg & Clark Environmental Consultants, for Wachusett Recreational Study -
(a) That the Contract be accepted as complete as of June 30, 1996.
(b) That Invoice No. 4 (Final), in the amount of $5,411.14, be approved for payment.
(Basis of Award - $30,000.00)

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(Final Cost - $30,000.00)
(Contractor's Rating - 9.50 with 10.00 being excellent)
(EEO Compliance - N/A)

The Commission V O T E D: that the work of Steinberg & Clark Environmental Consultants, Consultant under Contract No. WM95-008-S1A, be and hereby is accepted as completed as of June 30, 1996.

The Commission further V O T E D: to approve Invoice No. 4 (Final), in the amount of $5,411.14, for payment.

1. Report of Mr. McGinn, July 25, submitting for approval and execution Quabbin Park Cemetery Deed No. Q-1715, conveying NW 1/8 of Lot No. 1578, to Mr. Reynold E. Downing.

The Commission V O T E D: Approved.

The Secretary then submitted for signature Quabbin Park Cemetery Deed No. Q-1715, dated August 1, 1996, which was signed by the Commissioner and two Associate Commissioners.

Adjourned at 10:05 a.m., to meet on Thursday, August 8, 1996, at 9:00 a.m.

William F. Cronk
Secretary

Record of the Three Thousand Seven Hundred and Eighty First (3781st) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, August 8, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Settles and Wu.

The Records of the Commission Meeting held on July 22, 1996 were read and approved.

The Secretary submitted for signature the following paper which was signed by the Commissioner and four Associate Commissioners:

1. Contract-Agreement, dated August 8, 1996, with Ronald E. Sharpin, as the Wastewater Program Manager for the Division of Watershed Management.

Action was taken upon the following matters relating to the Engineering and Construction Division:

2. Report of Messrs. Faucher and Jackson, July 31, recommending approval of an extension of time from July 15, 1996 to September 15, 1996, for administrative purposes only, on Contract No. P95-1797-C1A, Planting along Boston Harbor Beaches, with Popico, Inc., d/b/a Holden Farms Nursery.
(The extension is under provisions of Article XXII and in no way will effect liquidated damages of Article XXI that may be due the Commission).
The Commission V O T E D: to approve an extension of time, for administrative purposes only, under the provisions of Article XXII, from July 15, 1996 to September 15, 1996, as recommended by Messrs. Faucher and Jackson in their report of July 31, 1996, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation and that this extension of time shall in no way effect the liquidated damages in Article No. XXI, that may be due to the Commission and shall not operate as a waiver on the part of the Commission or in any of its rights under the Contract.

3. Report of Ms. Overton and Messrs. Faucher and Orfant, July 31, requesting approval of Extra Work Claim No. 1 - for hand excavation of 1,544 linear feet of sand - at a cost of $2,851.57, on Contract No. P96-1826-C1A, with Ledgewood Construction Company, Inc., for Boston Harbor Beaches: Early Resanding Program.
Account No. 2440-8956.
The Commission V O T E D: to waive the provisions of Article XVIII relative to Claims for Payment for Extra Work and approve Extra Work Claim No. 1, in the amount of $2,851.57, for hand excavation of 1,544 linear feet of sand.
Associate Commissioner Elkort did not participate in discussion nor vote on this matter.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn, Robert O'Connor and Ms. Zilligan, August 2, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. WM97-084-C1A, for North Dike Fencing - Wachusett Reservoir, Clinton.
Estimated Cost - $25,000.00.
Time for Performance - thirty days.
Account No. 2420-1400- (NN).
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. WM97-084-C1A, for North Dike Fencing - Wachusett Reservoir, Clinton.

2. Report of Messrs. McGinn and Robert O'Connor, August 2, recommending the following on Contract No. WM94-076-S2A, with The BSC Group, for Land Analysis and Planning, Norco Sportsmans Club Property -
(a) That work be accepted as completed as of June 28, 1996.
(b) That Invoice No. 1, in the amount of $10,000.00, be approved for payment.
(Basis of Award - $17,300.00)
(Amount to Date - $10,000.00)
(Contract Performance Rating - 8.50 with 10.00 being excellent).
(EEO Compliance - N/A)
The Commission V O T E D: that the work of BSC Group, Consultant under Contract No. WM94-076-S2A, be and hereby is accepted as completed as of June 28, 1996.
The Commission further V O T E D: to approve Invoice No. 1, in the amount of $10,000.00, for payment.

3. Report of Messrs. McGinn and Robert O'Connor, August 2, recommending the following on Contract No. WM94-076-S3A, with Daylor Consulting Group, Inc., for Land Analysis and Planning, The Mason Homestead -
(a) That work be accepted as completed as of June 29, 1996.
(b) That Invoice No. 2, in the amount of $978.05, be approved for payment.
(Basis of Award - $24,080.00)
(Amount to Date - $14,740.00)
(Contract Performance Rating - 9.00 with 10.00 being excellent).
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Daylor Consulting Group, Inc., Consultant under Contract No. WM94-076-S3A, be and hereby is accepted as completed as of June 29, 1996.
The Commission further V O T E D: to approve Invoice No. 2, in the amount of $978.05, for payment.

4. Report of Mr. McGinn, August 2, requesting authorization to execute, on behalf of the Commission, Memorandum of Agreement with West Boylston Planning Board, for the Division of Watershed Management to provide technical assistance to the Planning Board.
The Commission V O T E D: to authorize Mr. McGinn to execute, on behalf of the Commission, Memorandum of Agreement with West

Boylston Planning Board, for the Division of Watershed Management to provide technical assistance to the Planning Board.

Action was taken upon the following matter relating to the Office of Planning:

1. Report of Mrs. O'Brien, August 1, requesting approval and execution of a Contract-Agreement with Alan H. Mountjoy, for Planning Services - MDC Planning Office.
Time for Performance - period ending June 30, 1997.
Compensation - Cost not-to-exceed $49,958.20.
Account No. 2449-6033 - Central Artery Mitigation Funds.
Following a lengthy discussion regarding Consultant Contract Agreements, the Commission V O T E D: Approval.
The Secretary then submitted for signature Contract-Agreement, dated August 8, 1996, with Alan H. Mountjoy, which was signed by the Commissioner and three Associate Commissioners.
Associate Commissioner Wu did not participate in discussion nor sign the Contract-Agreement.

Action was taken upon the following Various Matters:

2. Report of Mr. Jewett, July 29, submitting for approval and execution a Permit Agreement with Norumbega AA Groups to allow the non-profit therapeutic organization to conduct meetings of its membership in Commission property located at 107 Charles Street, Newton, for an initial term of one year starting on the date of Commission execution and continue in force upon the same terms and conditions for a further term of one year and for annual terms thereafter unless terminated as provided in the Permit. Compensation to the Commission $200.00 per month.
Associate Commissioner Wu moved that the Commission approve and execute the Permit-Agreement with the understanding that Norumbega AA Groups endeavor to purchase liability insurance to cover both itself and the Commission against possible law suits.
Associate Commissioner Carr noting that the insurance is more important than the compensation, moved that the Commission accept less compensation with the understanding that the Norumbega AA Groups purchase adequate liability insurance to protect itself and the Commission.
The Commission V O T E D: approved with the aforementioned stipulations.
The Secretary then submitted for signature Permit Agreement dated, August 8, 1996, with Norumbega AA Groups, which was signed by the Commissioner and four Associate Commissioners.

3. Report of Mr. Jewett, July 29, submitting for approval and execution a Permit Agreement with SLAA Groups (2) to allow the non-profit therapeutic organization to conduct meetings of its membership in Commission property located at 107 Charles Street, Newton, for an initial term of one year starting on the date of Commission execution and continue in force upon the same terms and conditions for a further term of one year and for annual terms thereafter unless terminated as provided in the Permit. Compensation to the Commission $40.00 per month - meetings held

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twice on Sundays for one and one half hour durations.
Associate Commissioner Wu moved that the Commission approve and execute the Permit-Agreement with the understanding that SLAA Groups endeavor to purchase liability insurance to cover both itself and the Commission against possible law suits.
Associate Commissioner Carr noting that the insurance is more important than the compensation, moved that the Commission accept less compensation with the understanding that the SLAA Groups purchase adequate liability insurance to protect itself and the Commission.
The Commission V O T E D: approved with the aforementioned stipulations.
The Secretary then submitted for signature Permit Agreement dated, August 8, 1996, with SLAA Groups, which was signed by the Commissioner and four Associate Commissioners.

1. Report of Mr. Jewett, July 29, submitting for approval and execution a Permit Agreement with Farm AA Groups to allow the non-profit therapeutic organization to conduct meetings of its membership in Commission property located at Seven Brush Hill Road, Milton, for an initial term of one year starting on the date of Commission execution and continue in force upon the same terms and conditions for a further term of one year and for annual terms thereafter unless terminated as provided in the Permit. Compensation to the Commission $225.00 per month.
Associate Commissioner Wu moved that the Commission approve and execute the Permit-Agreement with the understanding that Farm AA Groups endeavor to purchase liability insurance to cover both itself and the Commission against possible law suits.
Associate Commissioner Carr noting that the insurance is more important than the compensation, moved that the Commission accept less compensation with the understanding that the Farm AA Groups purchase adequate liability insurance to protect itself and the Commission.
The Commission V O T E D: approved with the aforementioned stipulations.
The Secretary then submitted for signature Permit Agreement, dated August 8, 1996, with Farm AA Groups, which was signed by the Commissioner and four Associate Commissioners.

2. Report of Messrs. McDonald and Finn, July 9, submitting for approval and execution a Contract-Agreement with Thomas F. McKenna, Esquire, for Professional Services Representing the MDC in Employee and Labor Related Matters and to Provide Such Services as the General Counsel Deems appropriate in Carrying Out Legal Responsibilities of the MDC.
Time for Performance - July 1, 1996 to June 30, 1997.
Cost not-to-exceed - $30,000.00 - at $85.00 per hour.
Also - two one year renewal options pursuant to the following schedule:
July 1, 1997 to June 30, 1998 - Cost not-to-exceed $30,000.00, at $90.00 per hour.
July 1, 1998 to June 30, 1999 - Cost not-to-exceed $30,000.00, at $95.00 per hour.
Associate Commissioner Carr discussed the benefits of being

pro-active by providing more training for appropriate staff on these matters.
He suggested that Messrs. McDonald and Finn investigate the possibility of Attorney McKenna conducting a training seminar within the Agency, for appropriate staff. The training, he stated, could assist in reducing the need for Legal Consultant Services in employee and labor related matters.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract-Agreement, dated August 8, 1996, with Thomas F. McKenna, Esquire, which was signed by the Commissioner and four Associate Commissioners.

Adjourned at 9:50 a.m., to meet on Thursday, August 15, 1996, at 9:00 a.m.

William J. Cusick
S e c r e t a r y

Record of the Three Thousand Seven Hundred and Eighty Second (3782nd) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, August 15, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort and Wu.

The Records of the Commission Meeting held on August 1, 1996 were read and approved.

Action was taken upon the following matters relating to the Engineering an Construction Division:

1. Report of Messrs. Faucher and Mayhew, July 29, on bids for Installation of New Roofing - William P. Connery Memorial Rink, Lynn, Massachusetts, Contract No. P96-1855-C1A.
(Messrs. Faucher and Mayhew recommend acceptance of the lowest bid received, that of Allied Weatherproofing Co., Inc., of $147,000.00).
The Commission V O T E D: to accept the lowest bid received, that of Allied Weatherproofing Co., Inc., of $147,000.00.

2. Report of Messrs. Faucher and Brooks, July 18, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. P96-1867-X1A, for Replacement of Existing Microprocessors on the Refrigeration Units of the following four MDC Rinks -
Emmons, Horrigan, O'Neil Memorial Rink, Charlestown
Daly Memorial Rink, Newton
Bajko Memorial Rink, Hyde Park
Shea Memorial Rink, Quincy
Estimated Cost - $80,000.00.
Time for Performance - one and one half months.
Account No. 2440-0110.
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and Brooks, August 6, recommending approval of the action of Acting Director Faucher resulting in a revision in quantities on Item No. 025-010, Materials and Parts, at a cost of $2,694.92, on Contract No. P94-1735-M1A, with Harris Environmental Systems, Inc., for Maintenance of Refrigeration Systems at MDC Skating Rinks - FY95 and FY96.
(At no increase in Contract cost as the revisions will be offset by unused quantities in specific repair, start-ups and water treatment items).
The Commission V O T E D: to approve the action of Acting Director Faucher which resulted in a revision in quantities on Item No. 025-010, on Contract No. P94-1735-M1A.
The Commission further V O T E D: to approve the revision in quantities.

4. Report of Messrs. Faucher and Machado, August 2, recommending approval of revisions in quantities on the following items on Contract No. P95-1801-C1A, with T. L. Edwards, Inc., for Resurfacing of MDC Parkways at Various Locations Throughout the

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Metropolitan District -
Item No. 038-010 **$400.00**
Bituminous Concrete Curb - Type 2
Item No. 044-010 **$400.00**
Sawing and Seal Joints in Bituminous
Concrete Associated with Bridge Repair

Total - $800.00

(At no additional Contract cost as the revisions will be offset by unused quantities in Item No. 021-010 - Traffic Control Services).
The Commission V O T E D: Approved.

1. Report of Messrs. Faucher and Lenhardt, August 5, recommending the following on Contract No. P77-0000-C1A, with M. DeMatteo Construction Company, for Replacement of the Alewife Brook Parkway Bridge -
(a) That work be accepted as completed as of June 30, 1996.
(b) That Estimate No. 1 (Final), in the amount of $47,865.33, be approved for payment.
(c) That reserve, in the amount of $1,227.32, be approved for payment.
(The project was supervised for the Commission by Mass Highway Department under terms of Inter-Agency Agreement No. 6554).
The Commission V O T E D: that the work of M. DeMatteo Construction Company, Contractor under Contract No. P77-0000-C1A, be and hereby is accepted as completed as of June 30, 1996.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of $47,865.33, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $1,227.32, be approved for payment.

2. Report of Messrs. Faucher and Machado, August 9, on bids for Installation of Closure Gates, Guard Rail and Fences at Various Locations of the Metropolitan District Park System, Contract No. P96-1862-C1A.
(Messrs. Faucher and Machado recommend rejection of the only bid received, that of Northern Tree Service - Northern Construction Service, Inc., of $979,015.00, as it was approximately 30% over the engineer's estimate).
The Commission V O T E D: to reject the only bid received, that of Northern Tree Service - Northern Construction Service, Inc., of $979,015.00, as recommended by Messrs. Faucher and Machado in their report of August 9, 1996

3. Report of Messrs. Faucher and Sacco, August 6, recommending ratification and approval of the action of Acting Director Faucher resulting in a revision in quantities on Item No. 003-020 - Miscellaneous Labor - at a cost of $2,000.00, on Contract No. P92-1646-C3A, with W. H. Hughes, Inc., for Installation of Traffic Gates, John J. Beades Drawbridge, Dorchester.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 003-010 - Miscellaneous Parts and Item No. 004-010 - Traffic Control Services).
The Commission V O T E D: to ratify and approve the action of Acting Director Faucher which resulted in a revision in

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quantities on Item No. 003-020 - Miscellaneous Labor.
The Commission further V O T E D: to approve the revision in quantities as recommended by Messrs Faucher and Sacco in their report of August 6, 1996.

1. Report of Messrs. Faucher and Machado, August 8, recommending approval of revisions in quantities on the following items on Contract No. P95-1803-C1A, with J. Marchese and Sons, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations throughout the Metropolitan District.

Item No. 021-010	Bituminous Concrete Sidewalks, Driveways and Patching	-	**$38,750.00**
Item No. 023-010	Bituminous Type 2 Curb	-	**$ 1,008.00**
		Total	**$39,758.00**

Revisions are necessary due to need for Curbing work at entrance and walkways at Shea Skating Rink and walkways at Tenean Beach. (At no increase in Contract cost as the revisions will be offset by unused quantities in Items 001-010, 004-010, 006-010, 025-010, 026-010 and 029-010).
The Commission V O T E D: Approved.

2. Report of Messrs. Faucher and McCalla, August 9, recommending approval of an increase in cost on the following Items on Contract No. P94-1736-M1A, with Coviello Electric and General Contracting Co., Inc., for Electrical Maintenance Work at Sports Facilities and Recreational Areas of the Metropolitan District -

Item No. 1	Hourly Rate for Licensed Electrician	-	**$1,974.00**
Item No. 2	Hourly Rate for Electricians Helper	-	**$ 987.00**
Item No. 3	Hourly Rate for Vehicle	-	**$ 550.00**
Item No. 5	Material, Components & Parts	-	**$ 864.57**
		TOTAL	**$4,375.57**

(Work performed pending award of new Contract)
Account No. 2440-0010-NN
The Commission V O T E D: Approved.

3. Report of Messrs. Faucher and McCalla, August 9, recommending approval of an increase in cost on the following items on Contract No. P94-1737-M1A, with Coviello Electric & General Contracting Co., Inc., for Electronic & Sound System Maintenance Work at Various Locations -

Item No. 1	Hourly Rate for Licensed Electrician	-	**$1,250.00**
Item No. 2	Hourly Rate for Electrician's Helper	-	**$ 250.00**
Item No. 3	Hourly Rate for Vehicle	-	**$ 250.00**
Item No. 5	Material, Components & Part	-	**$ 146.00**
		TOTAL	**$1,896.81**

(Work performed pending award of new Contract).
Account No. 2440-0010-NN.
The Commission V O T E D: Approved as recommended by Messrs. Faucher and McCalla in their report of August 9, 1996.

4. Report of Mr. Faucher and Miss Peterson, August 7, recommending approval of Alteration No. 1, which will change the wiring of the

light poles from a cable under the bridge to a conduit embedded in the roadway curb, on Contract No. P82-1054-C1A, with The Middlesex Corporation/Middlesex Paving/Middlesex Bituminous Products/Middlesex, Inc./Middlesex Materials Corporation, for Repair of Charles Circle Bridges #57A and 57B, Boston. The Alteration will result in a deletion of Item No. 037-010 and Item No. 037-020 and replacing with Item No. 037-011 and 037-21 at no increase in Contract cost.
The Commission V O T E D: to approve Alteration No. 1, as recommended by Mr. Faucher and Miss Peterson in their report of August 7, 1996.

1. Report of Messrs. Faucher and Mayhew, August 12, recommending the following on Contract No. P96-1857-D1A, with Barnes and Jarnis, Inc., for Structural Inspection and Analysis of Certain MDC Ice Skating Rink Roof Systems -
(a) That work be accepted as completed as of June 30, 1996.
(b) That Estimate No. 2 (Final), in the amount of $32,554.18, be approved for payment.
(c) That reserve, in the amount of $4,103.49, be approved for payment.
(Basis of Award - $50,000.00)
(Final Cost - $41,034.97)
(Consultant Rating - 8.00 with 10.00 being excellent).
(EEO Compliance - N/A).
The Commission V O T E D: that work be completed as of June 30, 1996.
The Commission further V O T E D: that Estimate No. 2 (Final), in the amount of $32,554.18 be approved for payment.
The Commission further V O T E D: that reserve, in the amount of $4,103.49 be approved for payment.

Action was taken upon the following matters relating to the Division of Watershed Management:

2. Report of Messrs. McGinn and Kane, July 31, requesting approval of the request of the Consultant for an extension of time from August 31, 1996 to November 30, 1996, on Contract No. WM95-085-S1A, with GZA GeoEnvironmental, Inc., for GeoTechnical Evaluation of Cunningham Ledge, Wachusett Reservoir, Clinton, Massachusetts.
(Delays outside the control of the Commission resulted in late issuance of a Notice to Proceed).
At no increase in Contract cost.
The Commission V O T E D: Approved.

3. Report of Messrs. McGinn and Robert O'Connor, July 25, recommending the following on Contract No. WM95-022-S1A, with Hampshire College, for Quabbin Forest Inventory Analysis Project -
(a) That the Contract be accepted as complete as of May 1, 1996.
(b) That Invoice No. 1, in the amount of $9,984.00, be approved for payment.
(Basis of Award - $9,984.00)
(Final Cost - $9,984.00)
(Consultant Rating - 8.50 with 10.00 being excellent)
(EEO Compliance - N/A)

The Commission V O T E D: that the work of Hampshire College, Consultant under Contract No. WM95-022-S1A, be and hereby is accepted as completed as of May 1, 1996.
The Commission further V O T E D: to approve Invoice No. 1, in the amount of $9,984.00, for payment.

1. Report of Messrs. McGinn and Baratta, August 1, requesting approval of a Master Grant Agreement, with the Town of West Boylston, for Sewer Construction and Related Services During Construction of the West Boylston Industrial Area Fast Track Sewer Construction Project and authorization for Commissioner Balfour to execute the Master Grant Agreement on behalf of the Commission.
Cost not-to-exceed $1,600,000.00.
Account No. 2420-7961.
The Commission noting that further information was needed prior to taking action on the matter V O T E D: Held Over pending a briefing by Watershed Management staff on August 22, 1996.

2. Report of Messrs. McGinn and Baratta, August 1, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization for the Contract Administrator to proceed immediately to negotiate Project No. WM97-016-D1A, for Master Sewer System Design - Phase II, with Weston and Sampson Engineers.
Cost not-to-exceed - $2,600,000.00.
Time for Performance - twelve months.
Account No. 2420-7961.
The Commission noting that further information was needed prior to taking action on the matter V O T E D: Held Over pending a briefing by Watershed Management staff on August 22, 1996.

3. Report of Messrs. McGinn and Baratta, July 18, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. WM95-061-C1A, for Fast Track Sewer Construction - Pinecroft Area of Holden and West Boylston.
Estimated Cost - up to $9,100,000.00.
Time for Performance - twenty three months.
Account No. 2420-7961.
The Commission noting that further information was needed prior to taking action on the matter V O T E D: Held Over pending a briefing by Watershed Management staff on August 22, 1996.

4. Report of Messrs. McGinn and Baratta, July 31, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization for the Contract Administrator to prepare an Amendment to Contract No. WM95-061-D1A, with Weston and Sampson Engineers, Inc., for Fast Track Sewer Construction Pinecroft Area of Holden and West Boylston, which will provide for Construction Administration and Inspection Services in conformance with the projects Scope of Services.
Cost not-to-exceed - $1,600,000.00
Time for Performance - twenty six months.
Account No. 2420-7961.

The Commission noting that further information was needed prior to taking action on the matter V O T E D: Held Over pending a briefing by Watershed Management staff on August 22, 1996.

Action was taken upon the following matters relating to the Office of Planning:

1. Report of Mrs. O'Brien and Mr. Driscoll, July 18, requesting approval and execution of Amendment No. 4, for construction administration and observation services, at a cost of $63,599.79, on Contract No. PL-92-017-S1B, with Carol R. Johnson Associates, Inc., for Upper Charles River Reservation - Master Plan and Design Services.
Account No. 2410-7872.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment No. 4, dated August 15, 1996, on Contract No. PL-92-017-S1B, with Carol R. Johnson Associates, Inc., which was signed by the Commissioner and three Associate Commissioners.

2. Report of Mrs. O'Brien, August 9, submitting for approval and execution an Agreement regarding "Remediation and Revitalization of certain land located in Everett", dated August 12, 1996, and further authorize the Planning Office to work with Monsanto to complete the development of a passive park including all necessary permitting on land owned by the Commission off Mystic View Road in Everett.
Attorney Adam Kalin of Foley, Hoag and Eliot, Jerry Renaldi and Marcia MacClary, all representing Monsanto Company, were introduced and described the project. They outlined Monsanto's plans to encapsulate the contaminants located in the area which is adjacent to their former plant in Everett. This, Attorney Kalin explained, would include land taken by the Commission for construction of the Amelia Earhart Dam.
Attorney Kalin then outlined the measures which will be taken for containment of contaminants. He explained that plans call for Monsanto to assume all costs at the site, including capping and development of a passive park for public enjoyment.
Mrs. MacClary stated that following several years of research, Monsanto determined that the best way to address the problem of contaminants was encapsulating the site and creating a park for passive activities.
Associate Commissioner Wu expressed his concern regarding liability which would be assumed by the Commission by attracting the public to the location.
Noting that the plan was developed by Consultants hired by Monsanto, Associate Commissioner Wu suggested that the Commission engage the services of a competent third party to give an opinion regarding the project. It was suggested that the Department of Environmental Protection also be contacted for input.
Following a lengthy discussion, the Commission V O T E D: to Hold Over the matter for two weeks pending Mrs. O'Brien's return from vacation. At that time, more information and documentation will be available for Commission review.

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Action was taken upon the following Various Matter:

1. Report of Miss Overton, August 13, requesting, on behalf of the Attorney Generals' Office, an extension of time from August 30, 1996 through November 30, 1996, on the Tolling Agreement concerning the Indian Line Farm Superfund Site in Canton, due to the need for further time to finalize cleanup arrangements. Miss Overton further requests execution of the Indian Line Farm Superfund Site Tolling Agreement by the Commission.
The Commission V O T E D: Approval for the Attorney General's Office to enter an extended Tolling Agreement concerning the Indian Line Farm Superfund Site in Canton, which extends the Tolling Agreement from August 30, 1996 through November 30, 1996, as requested by Miss Overton in her report of August 13, 1996.
The Secretary then submitted for Signature the Tolling Agreement, executed by Assistant Attorney General Christopher W. Morog of the Attorney General's Office, on July 26, 1996, which was signed by the Commissioner and three Associate Commissioners.
Associate Commissioner Elkort did not participate in discussion, vote, nor sign the Tolling Agreement.

Adjourned at 10:20 a.m., to meet on Thursday, August 22, 1996, at 9:00 a.m.

William J. Cusick
Secretary

Record of the Three Thousand Seven Hundred and Eighty Third (3783rd) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, August 22, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Settles and Wu.

The Records of the Commission Meeting held on August 8, 1996 were read and approved.

The Secretary submitted for signature the following papers which were signed by the Commissioner and four Associate Commissioners:

1. Contract No. P96-1849-M1A, dated August 22, 1996, with F. M. Emergency Generator, Inc., for Maintenance of Prime Power and Emergency Generators at Various Locations.

2. Contract No. P96-1844-M1A, dated August 22, 1996, with Construction Divers, Inc., for Service to Underwater Structures at Various Flood Control/Navigation Sites.

The Secretary then submitted for signature the following paper which was signed by the Commissioner and three Associate Commissioners:

3. Contract No. P95-1789-C1A, dated August 22, 1996, with Zenone, Inc., for Contaminated Site Cleanup at Various MDC Facilities.

Action was taken upon the following matters relating to the Engineering an Construction Division:

4. Report of Messrs. Faucher and Machado, July 24, recommending the following on Contract No. P94-1734-C1A, with Citiworks, Inc., for Installation of Closure Gates, Guard Rail and Fences Throughout the District -
(a) That work be accepted as completed as of June 30, 1996.
(b) That Estimate No. 15 (Final), in the amount of $3,382.95, be approved for payment.
(c) That reserve, in the amount of $21,864.50, be approved for payment.
(Basis of Award - $546,947.00)
(Amount to Date - $437,289.88)
(Contract Performance Rating - 2.17)
(EEO Compliance - 4.17)
The Commission V O T E D: that the work of Citiworks, Inc., Contractor under Contract No. P94-1734-C1A, be and hereby is accepted as completed as of June 30, 1996.
The Commission further V O T E D: to approve Estimate No. 15 (Final), in the amount of $3,382.95, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $21,864.50, be approved for payment.

5. Report of Messrs. Faucher and Brooks, August 7, recommending the following on Contract No. P93-1695-S1A, with Joslin, Lesser & Associates, for Comprehensive Building/Facilities Inventory and

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Assessment, Blue Hills Ski Area, Canton -
(a) That work be accepted as completed as of June 30, 1996.
(b) That Estimate No. 2 (Final), in the amount of $9,980.00, be approved for payment.
(Basis of Award - $49,990.00)
(Amount to Date - $49,990.00)
(Contract Performance Rating - 9.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Joslin, Lesser & Associates, Consultant under Contract No. P93-1695-S1A, be and hereby is accepted as completed as of June 30, 1996.
The Commission further V O T E D: to approve Estimate No. 2 (Final), in the amount of $9,980.00, for payment.

1. Report of Messrs. Faucher and Jackson, August 6, recommending the following on Contract No. P94-1719-C1A, with Forte Landscape & Construction Co., for Installation of New Benches at Boston Harbor Beaches -
(a) That work be accepted as completed as of June 30, 1996.
(b) That Estimate No. 1 (Final), in the amount of $15,447.00, be approved for payment.
(c) That reserve, in the amount of $813.00, be approved for payment.
(Basis of Award - $16,485.00)
(Amount to Date - $16,260.00)
(Contract Performance Rating - 4.00)
(EEO Compliance - 4.40)
The Commission V O T E D: that the work of Forte Landscape & Construction Co., Contractor under Contract No. P94-1719-C1A, be and hereby is accepted as completed as of June 30, 1996.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of $15,447.00, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $813.00, for payment.

2. Report of Mr. Faucher and Ms. Pomorska, August 7, recommending the following on Contract No. P95-1758-C1A, with Coviello Electrical and General Contracting Co., for Construction of Traffic Signals on Ocean Avenue, at the Intersection of Beach Street, Revere -
(a) That work be accepted as completed as of May 31, 1996.
(b) That Estimate No. 3 (Final), in the amount of $8,478.27, be approved for payment.
(c) That reserve, in the amount of $3,781.13, be approved for payment.
(Basis of Award - $78,384.00)
(Amount to Date - $75,622.50)
(Contract Performance Rating - 3.83)
(EEO Compliance - 4.00)
The Commission V O T E D: that the work of Coviello Electrical and General Contracting Co., Contractor under Contract No. P95-1758-C1A, be and hereby is accepted as completed as of May 31, 1996.
The Commission further V O T E D: to approve Estimate No. 3

(Final), in the amount of $8,478.27, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $3,781.13, for payment.

1. Report of Messrs. Faucher and Brooks, July 12, recommending the following on Contract No. P94-1742-M1A, with Armor Elevator Co., Inc., for Maintenance of Elevators at MDC Headquarters Building -
(a) That work be accepted as completed as of June 30, 1996.
(b) That Estimate No. 9 (Final), in the amount of $3,697.40, be approved for payment.
(c) That reserve, in the amount of $778.40, be approved for payment.
(Basis of Award - $27,544.00)
(Amount to Date - $27,544.00)
(Contract Performance Rating - 4.60)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Armor Elevator Co., Inc., Contractor under Contract No. P94-1742-M1A, be and hereby is accepted as completed as of June 30, 1996.
The Commission further V O T E D: to approve Estimate No. 9 (Final), in the amount of $3,697.40, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $778.40, for payment.

2. Report of Messrs. Faucher and Brooks, August 12, recommending the following on Contract No. P94-1735-M1A, with Harris Environmental Systems, for Maintenance of Refrigeration Systems -
(a) That work be accepted as completed as of June 30, 1996.
(b) That Estimate No. 19 (Final), in the amount of $19,954.57, be approved for payment.
(c) That reserve, in the amount of $18,469.70 be approved for payment.
(Basis of Award - $544,710.00)
(Amount to Date - $718,467.78)
(Contract Performance Rating - 4.83)
(EEO Compliance - 4.00)
The Commission V O T E D: that the work of Harris Environmental Systems, Contractor under Contract No. P94-1735-M1A, be and hereby is accepted as completed as of June 30, 1996.
The Commission further V O T E D: to approve Estimate No. 19 (Final), in the amount of $19,954.57, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $18,469.70, for payment.

3. Report of Messrs. Faucher and Woodyatt, June 3, recommending the following on Contract No. P96-1815-C1A, with Ledgewood Construction Co., Inc., for Reconstruction of Charlesbank Playground, Charles River Esplanade, Boston -
(a) That work be accepted as completed as of June 2, 1996.
(b) That Estimate No. 4 (Final), in the amount of $52,616.70, be approved for payment.
(c) That reserve, in the amount of $8,735.80, be approved for payment.
(Basis of Award - $176,300.00)
(Amount to Date - $174,716.00)

(Contract Performance Rating - 4.67)
(EEO Compliance - 4.60)
The Commission V O T E D: that the work of Ledgewood Construction Co., Inc., Contractor under Contract No. P96-1815-C1A, be and hereby is accepted as completed as of June 2, 1996.
The Commission further V O T E D: to approve Estimate No. 4 (Final), in the amount of $52,616.70, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $8,735.80, for payment.
Associate Commissioner Elkort did not participate in discussion nor vote on this matter.

1. Report of Messrs. Faucher and DiRamio, August 9, recommending the following on Contract No. P95-1770-C1A, with Fleming Brothers, Inc., for Reconstruction of Riverdale Park, Dedham and Toohig Playground, Dorchester -
(a) That work be accepted as completed as of May 15, 1996.
(b) That Estimate No. 6 (Final), in the amount of $6,747.14, be approved for payment.
(c) That reserve, in the amount of $14,082.02, be approved for payment.
(Basis of Award - $276,400.00)
(Amount to Date - $281,640.50)
(Contract Performance Rating - 2.80)
(EEO Compliance - 4.50)
The Commission V O T E D: that the work of Fleming Brothers, Inc., Contractor under Contract No. P95-1770-C1A, be and hereby is accepted as completed as of May 15, 1996.
The Commission further V O T E D: to approve Estimate No. 6 (Final), in the amount of $6,747.14, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $14,082.02, for payment.

2. Report of Messrs. Faucher and Sacco, August 13, recommending the following on Contract No. P95-1788-C1B, with A & M Roofing and Sheet Metal Co., Inc., for Critical Repairs to Swimming Pools and Service Buildings -
(a) That work be accepted as completed as of December 30, 1995.
(b) That Estimate No. 7 (Final), in the amount of $438.55, be approved for payment.
(c) That reserve, in the amount of $6,917.22, be approved for payment.
(Basis of Award - $546,483.50)
(Amount to Date - $538,344.52)
(Contract Performance Rating - 3.00)
(EEO Compliance - 4.16)
The Commission V O T E D: that the work of A & M Roofing and Sheet Metal Co., Inc., Contractor under Contract No. P95-1788-C1B, be and hereby is accepted as completed as of December 30, 1995.
The Commission further V O T E D: to approve Estimate No. 7 (Final), in the amount of $438.55, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $6,917.22, for payment.

1. Report of Messrs. Faucher and Higgott, August 16, recommending the following on Contract No. P94-1753-D1A, with Camp Dresser & McKee, Inc., for Design Review Services - MDC Nahant Comfort Station -
(a) That work be accepted as completed as of June 30, 1996.
(b) That Estimate No. 1 (Final), in the amount of $1,849.00, be approved for payment.
(c) That reserve, in the amount of $205.00, be approved for payment.
(Basis of Award - $3,000.00)
(Amount to Date - $2,054.45)
(Contract Performance Rating - 9.00 with 10 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Camp Dresser & McKee, Inc., Consultant under Contract No. P94-1753-D1A, be and hereby is accepted as completed as of June 30, 1996.
The Commission further V O T E D: to approve Estimate No. 1 (Final), in the amount of $1,849.00, for payment.
The Commission further V O T E D: to approve release of reserve, in the amount of $205.00, for payment.

2. Report of Messrs. Faucher and Sacco, August 15, recommending the following on Contract No. P82-1128-D2A, with Vollmer Associates, for Rehabilitation of Mystic Valley Parkway and a Portion of South Border Road, Winchester -
(a) That work be accepted as completed as of March 31, 1996.
(b) That Invoice No. 11 (Final), in the amount of $1,759.27, be approved for payment.
(c) That retainage, in the amount of $6,292.92, be approved for payment.
(Basis of Award - $223,173.21)
(Amount to Date - $212,929.29)
(Contract Performance Rating - 9.50 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Vollmer Associates, Consultant under Contract No. P82-1128-D2A, be and hereby is accepted as completed as of March 31, 1996.
The Commission further V O T E D: to approve Invoice No. 11 (Final), in the amount of $1,759.27, for payment.
The Commission further V O T E D: to approve release of retainage, in the amount of $6,292.92, for payment.

3. Report of Messrs. Faucher and Abounaja, August 21, recommending the following on Contract No. P94-1744-D1A, with Rizzo Associates, Inc., for Engineering Services and Remedial Response Action for the former Underground Fuel Storage Site at the Breakheart Reservation -
(a) That work be accepted as completed as of June 30, 1996.
(b) That Estimate No. 3 (Final), in the amount of $1,620.00, be approved for payment.
(c) That retainage, in the amount of $2,500.00, be approved for payment.
(Basis of Award - $30,000.00).
(Amount to Date - $25,681.25)

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(Contract Performance Rating - 5.00 with 10.00 being excellent)

(EEO Compliance - N/A)

The Commission V O T E D: that the work of Rizzo Associates, Inc., Contractor under Contract No. P94-1744-D1A, be and hereby is accepted as completed as of June 30, 1996.
The Commission further V O T E D: to approve Estimate No. 3 (Final), in the amount of $1,620.00, for payment.
The Commission further V O T E D: to approve release of retainage, in the amount of $2,500.00, for payment.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Baratta, August 1, requesting approval of a Master Grant Agreement, with the Town of West Boylston, for Sewer Construction and Related Services During Construction of the West Boylston Industrial Area Fast Track Sewer Construction Project and authorization for Commissioner Balfour to execute the Master Grant Agreement on behalf of the Commission.
Cost not-to-exceed $1,600,000.00.
Account No. 2420-7961.
The Commission V O T E D: to approve a Master Grant Agreement, with the Town of West Boylston, for Sewer Construction and Related Services During Construction of the West Boylston Industrial Area Fast Track Sewer Construction Project.
The Commission further V O T E D: authorization for Commissioner Balfour to execute the Master Grant Agreement on behalf of the Commission.

2. Report of Messrs. McGinn and Baratta, August 1, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization for the Contract Administrator to proceed immediately to negotiate Project No. WM97-016-D1A, for Master Sewer System Design - Phase II, with Weston and Sampson Engineers.
Cost not-to-exceed - $2,600,000.00.
Time for Performance - twelve months.
Account No. 2420-7961.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization for the Contract Administrator to proceed immediately to negotiate Project No. WM97-016-D1A, for Master Sewer System Design - Phase II, with Weston and Sampson Engineers.

3. Report of Messrs. McGinn and Baratta, July 18, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. WM95-061-C1A, for Fast Track Sewer Construction - Pinecroft Area of Holden and West
Boylston.
Estimated Cost - up to $9,100,000.00.
Time for Performance - twenty three months.
Account No. 2420-7961.

The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. WM95-061-C1A, for Fast Track Sewer Construction - Pinecroft Area of Holden and West Boylston.

1. Report of Messrs. McGinn and Baratta, July 31, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization for the Contract Administrator to prepare an Amendment to Contract No. WM95-061-D1A, with Weston and Sampson Engineers, Inc., for Fast Track Sewer Construction Pinecroft Area of Holden and West Boylston, which will provide for Construction Administration and Inspection Services in conformance with the projects Scope of Services.
Cost not-to-exceed - $1,600,000.00
Time for Performance - twenty six months.
Account No. 2420-7961.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization for the Contract Administrator to prepare an Amendment to Contract No. WM95-061-D1A, with Weston and Sampson Engineers, Inc., for Fast Track Sewer Construction Pinecroft Area of Holden and West Boylston, which will provide for Construction Administration and Inspection Services in conformance with the projects Scope of Services.

2. Report of Messrs. McGinn and Robert O'Connor, August 8, recommending the following on Contract No. WM94-011-X1A, with Rexford V. N. Baker, for Wachusett Private Lands Forestry Services -
(a) That work be accepted as completed as of June 30, 1996.
(b) That Invoice No. 27 (Final), in the amount of $597.22, be approved for payment.
(Basis of Award - $41,809.40)
(Amount to Date - $40,547.62)
(Contract Performance Rating - 9.50 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Rexford V. N. Baker, Consultant under Contract No. WM94-011-X1A, be and hereby is accepted as completed as of June 30, 1996.
The Commission further V O T E D: to approve Invoice No. 27 (Final), in the amount of $597.22, for payment.

3. Report of Mr. McGinn and Ms. Carr, August 12, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No. WM96-077-X1A, for Wachusett Area Household Hazardous Waste Collection.
Estimated Cost - $40,000.00.
Time for Performance - eight months.
Account No. 2420-1400 sub NN - N14.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. WM96-077-X1A, for Wachusett Area Household Hazardous Waste Collection.

Action was taken upon the following matters relating to the Planning Division:

1. Report of Mrs. O'Brien, August 9, submitting for approval and execution an Agreement regarding "Remediation and Revitalization of certain land located in Everett" dated August 12, 1996 and further authorize the Planning Office to work with Monsanto to complete the development of a passive park including all necessary permitting on land owned by the Commission off Mystic View Road in Everett.
The Commission V O T E D: Held Over.

2. Report of Mrs. O'Brien and Davidge, August 15, requesting approval and execution of an Amendment to Contract No. P82-1022-D1A, with Carr, Lynch and Sandell, Inc., for Planning and Design Contract - Phase II (Revere Landing Park), which will result in an increase in cost of $89,594.33, due to the need for additional services.
Account No. 2449-6033.
The Commission V O T E D: Approved.
The Secretary then submitted for signature to Contract No. P82-1022-D1A, dated August 22, 1996, with Carr, Lynch and Sandell, Inc., which was signed by the Commissioner and four Associate Commissioners.

Action was taken upon the following matters relating to the Office of Real Property:

1. Report of Mr. Gray, August 16, recommending that the Commission adopt an Order of Taking for acquisition of approximately 425.1 acres of land owned by Colleen M. CampoBasso, Trustee, located in the Town of Sterling and the City of Leominster, Massachusetts, and to approve an award of damages in the amount of $5,000,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 425.1 acres of land owned by Colleen M. CampoBasso, Trustee, located in the Town of Sterling and the City of Leominster, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, August 22, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling and City of Leominster in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land shown as Parcel A on a plan entitled "Plan of land in Sterling, MA, prepared for Hycrest Farm Realty Trust," dated July 26, 1996, and drawn by Whitman & Bingham Associates, Inc., which plan shall be recorded before or simultaneously with this order of taking at the Worcester District Registry of Deeds and the Worcester North District Registry of Deeds, said parcel being more particularly described as follows:

BEGINNING at the most southwesterly corner of the subject premises at a point north 35° 42′ 34" East 242.61 feet from a drill hole on the northerly sideline of Upper North Row Road and at land now or formerly of Justice Hill, Inc. Thence by remaining land of Hycrest Farm Realty Trust the following thirty (30) courses:

THENCE North 28° 04′ 57" West 602.42 feet to a point;

THENCE North 17° 55′ 25" West 581.72 feet to a point;

THENCE North 09° 10′ 53" West 3000.45 feet to a point;

THENCE North 80° 49′ 07" East 971.07 feet to a point;

THENCE South 29° 13′ 18" East 407.23 feet to a point;

THENCE North 67° 07′ 52" East 365.53 feet to a point;

THENCE South 56° 04′ 20" East 245.07 feet to a point;

THENCE South 03° 46′ 42" West 142.23 feet to a point;

THENCE South 77° 11′ 00" East 1640.59 feet to a point;

THENCE North 89° 08′ 33" East 906.57 feet to a point;

THENCE South 18° 56′ 03" East 899.07 feet to a point;

THENCE South 40° 59′ 35" West 189.28 feet to a point;

THENCE North 38° 07′ 25" West 342.77 feet to a point;

THENCE South 86° 40′ 33" West 540.71 feet to a point;

THENCE South 77° 11′ 45" West 372.29 feet to a point;

THENCE South 40° 24′ 06" West 1390.34 feet to a point;

THENCE South 87° 37′ 20" East 1348.09 feet to a point;

THENCE South 27° 39′ 21" East 504.47 feet to a point;

THENCE South 13° 01′ 02" East 573.09 feet to a point;

THENCE North 72° 18′ 41" East 330.64 feet to a point;

THENCE South 36° 44′ 58" East 446.89 feet to a point;

THENCE South 04° 58′ 27" East 805.97 feet to a point;

THENCE South 80° 30′ 30" West 456.43 feet to a point;

THENCE North 66° 48′ 05" West 410.20 feet to a point;

THENCE North 77° 45′ 29" West 798.07 feet to a point;

THENCE North 59° 06′ 15" West 427.94 feet to a point;

THENCE South 86° 01′ 14" West 149.94 feet to a point;

THENCE South 77° 36′ 02" West 424.26 feet to a point;

THENCE North 72° 37′ 15" West 928.24 feet to a point;

THENCE North 88° 46′ 03" West 343.38 feet to the point of beginning.

The parcel described above contains 13,767,471 square feet or 316.06 acres, more or less, according to said plan.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and being a portion of the same premises described in a deed from White's Black Angus of Sterling, Inc., to Colleen M. CampoBasso, Trustee of Hycrest Farm Realty Trust, dated September 6, 1988, and recorded with the Worcester District Registry of Deeds in Book 11598, Page 359, and recorded with the Worcester North District Registry of Deeds in Book 1727, Page 175.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land, except for those rights and easements expressly taken herein.

AND IT IS FURTHER ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, Section 117 of Chapter 92 of the General Laws, and Sections 30, 31 and 32 of Chapter 184 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take under the provisions of Chapter 79 of the General Laws, a watershed preservation restriction and conservation easement in perpetuity in the name and for the benefit of the Commonwealth of Massachusetts, in the following described land situated in the Town of Sterling and City of Leominster in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land shown as Parcel B on the above described plan entitled "Plan of land in Sterling, MA, prepared for Hycrest Farm Realty Trust," which Parcel B completely surrounds Parcel A as described above, and which Parcel B is more particularly described as follows:

BEGINNING at the most Southwesterly corner of the subject premises at a drill hole on the Northerly sideline of Upper North Row Road and at land now or formerly of Justice Hill, Inc.;

THENCE North 21° 46′ 37" West 160.91 feet to a point;

THENCE North 28° 04′ 57" West 567.41 feet to a point;

THENCE North 17° 55′ 25" West 614.79 feet to a point;

THENCE South 81° 50′ 36" West 345.60 feet to a point, at remaining land of Hycrest Farm Realty Trust, the last four (4) courses being by land of Justice Hill, Inc.;

THENCE North 08° 09′ 24" West 1093.13 feet to a point;

THENCE North 81° 50′ 36" East 326.05 feet to a point;

THENCE North 09° 10′ 53" West 2122.58 feet to a point at land now or formerly of Settimio A. & Augustina L. Pellecchia, the last three (3) courses being by land of Hycrest Farm Realty Trust;

THENCE North 80° 49′ 07" East 754.73 feet by land of said Pellecchia and land of City of Leominster to a point at land now or formerly of Wendell P. Bartlett;

THENCE North 56° 06′ 36" East 386.10 feet to a point;

THENCE South 55° 02′ 53" East 316.24 feet to a point;

THENCE South 29° 13′ 18" East 305.59 feet to a point;

THENCE North 67° 07′ 52" East 294.69 feet to a point at land of unknown owner, the last four (4) courses being of land of Wendell P. Bartlett;

THENCE South 56° 04′ 20" East 468.33 feet by land of unknown owner to a point at land of City of Leominster;

THENCE South 03° 46′ 42" West 86.65 feet to a point;

THENCE South 77° 11′ 00" East 1231.31 feet to a point;

THENCE North 00° 21′ 42" East 68.50 feet to a point;

THENCE South 75° 38′ 18" East 131.75 feet to a point at land of unknown owner, the last four (4) courses being by land of the City of Leominster;

THENCE South 76° 03′ 53" East 331.48 feet to a point;

THENCE North 89° 08′ 33" East 1241.23 feet to a point at land of the Town of Clinton, the last two (2) courses being by land of an unknown owner;

THENCE South 15° 51′ 38" West 198.00 feet to a point;

THENCE South 02° 40′ 38" West 168.32 feet to a point;

THENCE South 86° 26′ 38" West 266.22 feet to a point;

THENCE South 18° 56′ 03" East 326.26 feet to a point;

THENCE South 16° 28′ 16" East 218.51 feet to a point;

THENCE South 16° 03′ 37" East 297.46 feet to a point;

THENCE South 64° 50′ 16" West 123.09 feet to a point;

THENCE South 40° 59′ 35" West 377.22 feet to a point;

THENCE North 38° 07′ 25" West 404.23 feet to a point;

THENCE North 37° 40′ 51" West 78.38 feet to a point;

THENCE South 85° 35′ 23" West 50.22 feet to a point;

THENCE South 86° 09′ 18" West 139.04 feet to a point;

THENCE South 86° 40′ 33" West 229.52 feet to a point;

THENCE South 77° 11′ 45" West 377.80 feet to a point;

THENCE South 19° 33′ 13" East 61.31 feet to a point;

THENCE South 40° 24′ 06" West 811.88 feet to a point;

THENCE South 87° 37′ 20" East 1053.20 feet to a point;

THENCE South 27° 39′ 21" East 448.17 feet to a point;

THENCE South 17° 56′ 06" East 33.21 feet to a point;

THENCE South 24° 58′ 24" East 153.99 feet to a point;

THENCE South 22° 05′ 28" East 95.95 feet to a point;

THENCE South 13° 01′ 02" East 294.24 feet to a point;

THENCE North 72° 18′ 41" East 260.96 feet to a point;

THENCE South 35° 34′ 26" East 222.59 feet to a point;

THENCE South 36° 44′ 58" East 411.16 feet to a point;

THENCE South 31° 05′ 34" East 37.88 feet to a point;

THENCE South 03° 10′ 37" East 184.60 feet to a point;

THENCE South 05° 43′ 23" East 87.66 feet to a point;

THENCE South 04° 06′ 47" East 207.68 feet to a point;

THENCE South 04° 08′ 52" East 214.97 feet to a point;

THENCE South 04° 58′ 27" East 137.10 feet to a point;

THENCE South 57° 55′ 59" East 73.88 feet to a point on the northerly sideline of Upper North Row Road, the last thirty-two (32) courses being by land of the Town of Clinton;

THENCE along the Northerly sideline of Upper North Row Road, South 19° 39′ 49" West 29.72 feet to a point;

THENCE South 23° 22′ 51" West 43.21 feet to a point;

THENCE South 26° 12′ 41" West 40.73 feet to a point;

THENCE South 38° 52′ 10" West 32.26 feet to a point;

THENCE South 50° 30′ 44" West 31.53 feet to a point;

THENCE South 65° 01′ 33" West 31.63 feet to a point;

THENCE South 73° 11′ 22" West 43.41 feet to a point;

THENCE North 84° 23′ 20" West 18.72 feet to a point;

THENCE South 80° 30′ 30" West 348.58 feet to a point;

THENCE South 84° 32′ 49" West 134.05 feet to a point;

THENCE North 87° 07′ 28" West 97.37 feet to a point;

THENCE North 76° 34′ 48" West 112.32 feet to a point;

THENCE North 66° 48′ 05" West 312.62 feet to a point;

THENCE North 77° 45′ 29" West 611.40 feet to a point;

THENCE North 70° 12′ 41" West 283.33 feet to a point;

THENCE North 63° 21′ 20" West 128.09 feet to a point;

THENCE North 59° 06′ 15" West 123.55 feet to a point;

THENCE North 67° 43′ 22" West 29.38 feet to a point;

THENCE North 82° 11′ 42" West 100.03 feet to a point;

THENCE South 86° 01′ 14" West 52.45 feet to a point;

THENCE South 79° 42′ 27" West 73.97 feet to a point;

THENCE South 71° 00′ 27" West 95.58 feet to a point;

THENCE South 77° 36′ 02" West 146.40 feet to a point;

THENCE South 88° 04′ 53" West 137.79 feet to a point;

THENCE North 72° 37′ 15" West 193.25 feet to a point;

THENCE North 58° 12′ 30" West 217.36 feet to a point;

THENCE North 75° 56′ 46" West 301.15 feet to a point;

THENCE North 84° 01′ 27" West 226.40 feet to a point;

THENCE North 57° 35′ 07" West 6.54 feet to a point;

THENCE South 89° 17′ 04" West 64.37 feet to a point;

THENCE North 88° 46′ 03" West 357.33 feet to the drill hole first mentioned, the last thirty-one (31) courses being by the Northerly sideline of Upper North Row Road.

The parcel described above contains 4,749,980 square feet, or 109.04 acres, more or less, according to said plan.

Meaning and intending to take hereby a watershed preservation restriction and conservation easement in, on and to the above described premises, howsoever the same may be bounded and described, and being a portion of the premises described in a deed from White's Black Angus of Sterling, Inc., to Colleen M. CampoBasso, Trustee of Hycrest Farm Realty Trust, dated September 6, 1988, and recorded with the Worcester District Registry of Deeds in Book 11598, Page 359, and recorded with the Worcester North District Registry of Deeds in Book 1727, Page 175.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all such rights, including easements, privileges and appurtenances of every name and nature as may be necessary to give full force, virtue and effect, in perpetuity, to the following restrictions on the use of the parcel of land hereinabove described.

1. No construction or placing of buildings or structures or parts thereof, or roads, ways, paths or portions thereof, except as required for the Commission and as provided within this instrument.

2. No septic systems or leach fields shall be permitted.

3. No excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance shall be permitted, except as needed to maintain the land.

4. No storage, stockpiling, or use of hazardous materials, petroleum products, pesticides and herbicides, manure and fertilizers, shall be permitted.

5. No tillage.

6. No grazing or sheltering of livestock or animals shall be permitted.

7. No commercial or public recreational use shall be permitted, and no motorized or vehicular recreational use by the landowners shall be permitted.

8. No commercial timber harvesting or tree cutting shall be permitted, unless such harvesting or cutting is in compliance with the Massachusetts Forest Cutting Practices Act (M.G.L. c. 132, as amended), and MDC Best Management Practices for Forest Management.

9. No other acts or uses detrimental to such watershed, as determined by the duly authorized representatives of said Commission, its successors or assigns or such other authority which shall for any time legally control or hold said restriction and easement.

The watershed preservation restriction and conservation easement hereby taken, grants the Commission, its successors and assigns, the right to enter upon the land hereinabove described as Parcel B at any time for the purpose of inspecting said land and enforcing the foregoing restrictions and remedying any violations of same, and likewise grants the Commission, its successors and assigns, the permanent right of access by foot and by vehicle to the land hereinabove described as Parcel A, from a point to be located on the northerly sideline of Upper North Row Road, which point of access shall at all times be secured by a shurcliff-style or some other type of gate.

The Commission expressly grants the owners of record the right to construct, maintain, renovate and repair fencing along the westerly and southerly boundaries of the watershed preservation area herein described as Parcel B, subject to the prior approval of the Division of Watershed Management or its statutory successor, which approval shall not be unreasonably withheld. The Commission expressly excludes from this order any right, title or interest in and to the dam and its attendant and appurtenant structures or facilities, and accordingly disclaims any responsibility or liability for the operation, maintenance, renovation and repair of said dam, and for any damage or other consequences related to the level and flow of the water comprising Hycrest Pond.

Nothing stated within this order shall be construed to supersede or otherwise absolve the owners of record of the remaining private lands, from the jurisdiction of local conservation commissions or any and all other public agencies authorized by law to regulate or monitor the environmental integrity and quality of the abutting and adjacent properties and the water comprising Hycrest Pond.

All other customary rights and privileges of ownership shall be retained by the owners of record, including the right to privacy.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Collen M. CampoBasso, Trustee of Hycrest Farm Realty Trust	$ 5,000,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $5,000,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, August 16, recommending that the Commission adopt an Order of Taking for acquisition of approximately 63.67 acres of land owned by Fox Hill Builders, Inc., located in the Town of West Boylston, Massachusetts, and to approve an award of damages in the amount of $1,200,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 63.67 acres of land owned by Fox Hill Builders, Inc., located in the Town of West Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, August 22, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of West Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land situated in the said Town of West Boylston on the easterly side of Prospect Street, being Lots 1 and 2 registered with the Worcester Registry District of the Land Court as shown upon Plan No. 37166A, noted on Certificate of Title No. 8633, and more particularly bounded and described as follows:

WESTERLY by Prospect Street, 464.34 feet;

NORTHERLY by land, now or formerly, of Peter Tashjian 298.48 feet;

NORTHWESTERLY by lands of sundry adjoining owners, 748.80 feet;

SOUTHWESTERLY by land, now or formerly, of Judith Stevens, 311.53 feet;

NORTHWESTERLY, 100.00 feet;

SOUTHWESTERLY by land, now or formerly, of Laila M. Bean, 100.00 feet;

NORTHWESTERLY by said Prospect Street, 732.12 feet;

NORTHERLY by land, now or formerly, of Edward Nowak et al and of Fred Fagerquist et al, 342.92 feet;

ESASTERLY by said land, now or formerly, of Fred Fagerquist et al, 24.42 feet;

NORTHERLY by lands of sundry adjoining owners, 921.90 frrt;

EASTERLY by land, now or formerly, of Wachusett Country Club, 2039.89 feet;

SOUTHERLY by land, now or formerly, of West Boylston Water District, 234.96 feet;

EASTERLY by said land, now or formerly, of West Boylston Water District and by land, now or formerly, of Leo Lacilla et al, 552.25 feet;

SOUTHERLY by land, now or formerly, of Robert S. Tashjian et al, 101.29 feet;

WESTERLY by land, now or formerly, of John Gleason et al, by the end of Lawrence Street, and by land, now or formerly, of Paul Foley, 422.08 feet;

SOUTHERLY by lands of sundry adjoining owners, by the end of a way, and by lands of sundry adjoining owners 1382.74 feet.

Excepting Lots 5, 6, 7, 8, and 9 shown on Plan 37166B drawn by Berry Engineering, Inc. surveyor dated October 12, 1977, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with the original certificate of title No. 9153, all of said Lots having been conveyed, by Sterling Heights Builders, Inc., to the following persons:

Lot 5 was conveyed to Henry W. Noponen & Sanelma O. Noponen in L. C. Certificate # 33775.

Lot 6 was conveyed to Allan V. Olson & Cheryl C. Olson in L.C. Certificate # 33696.

Lot 7 was conveyed to Arthur G. Clark, Jr. & Patricia A. Clark in L.C. Certificate # 34136.

Lot 8 was conveyed to Bernard E. Dow & Angela M. Dow in L.C. Certificate # 34417.

Lot 9 was conveyed to Kenneth A. Griffin & Mary A. Griffin in L.C. Certificate # 33586.

The total area of the above described parcel, with exceptions, based upon sheets 6 through 10 of a 28 sheet perimeter retracement survey and proposed subdivision plan, dated 6/1/92 and revised 9/24/93, prepared for the former owners by Lancewood Engineering, Inc., consistent with Land Court Plans and Certificates, is calculated to be 63.67 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Prospect Street and/or Lawrence Street which may be held by the supposed owner, as a result of its ownership of the above described property, and being the same premises described in Land Court Certificate of Title No. 12187 and a quitclaim deed from Sterling Heights Builders, Inc., to Fox Hill Builders, Inc., dated February 27, 1992, being shown upon Land Court Plan 37166A as Lots 1 & 2, with exceptions of Lots 5 through 9 shown on Land Court Plan 37166B, and registered with the Worcester Registry District of the Land Court.

The above described property is represented upon West Boylston Assessors Tax Map 164 as Parcel 16.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Fox Hill Builders, Inc.	$ 1,200,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $1,200,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, August 16, recommending that the Commission adopt an Order of Taking for acquisition of approximately 7.46 acres of land owned by Sterling Heights Builders, Inc., located in the Town of West Boylston, Massachusetts, and to approve an award of damages in the amount of $150,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 7.46 acres of land owned by Sterling Heights Builders, Inc., located in the Town of West Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, August 22, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of West Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the northwesterly side of Lancaster Street - Route 110 more particularly bounded and described as follows:

Beginning at a point at the most easterly corner of the land herein described, at a point on the northwesterly layout line of Lancaster Street - Route 110, at land now or formerly of Edmund F. & Frances G. Meleski;

Thence S. 29° 28′ 50" W. along Lancaster Street - Route 110, 172.88 feet to a point at land, now or formerly, of Carmelo P. and Linda Ann Isgro;

Thence N. 58° 01′ 31" W. 134.05 feet to a gun barrel;

Thence N. 27° 35′ 28" W. along a stone wall 408.00 feet to a point;

Thence N. 39° 45′ 41" W. along a stone wall 287.67 feet to a gun barrel;

Thence N 20° 49′ 33" E. 334.65 feet to a drill hole in a stone wall by land formerly of John Dipietro, now of the Commonwealth of Massachusetts, Metropolitan District Commission, the previous four courses by land of Isgro;

Thence S. 83° 37′ 47" E. 188.97 feet along a stone wall, by land, now or formerly, of John DiPietro, now of the MDC, to a drill hole;

Thence S. 83°49′40" E. by land formerly of William J.DiPietro And Freda Masciarelli, Trustees, now or formerly of John DiPietro and, now or formerly, of Guido & Sarah C. DiPietro 221.89 feet to a point;

Thence S. 83° 24′ 06" E. by land formerly of Guido A. & Sarah C. DiPietro, now or formerly, of Michael F. & Sharon Pavone, 248.04 feet to a point on at the northeasterly corner of the property herein described, on the westerly side of the layout line for Campground Road;

Thence S. 11° 50′ 38" W. along said Campground Road 146.42 feet to a point;

Thence N. 65° 44′ 14" W. by land, now or formerly, of Wayne W. & Elfrieda Erickson, 229.34 feet to a point;

Thence S. 11° 50′ 38" W. by land, now or formerly, of Wayne W. and Elfreda Erikson, by land, now or formerly, of Richard F. and Marie E. Preistly, and by land, now or formerly, of Bruce W. and Mary T. Buck, respectively, 380.00 feet to a point;

Thence S. 54° 14′ 22" E. by land of said Buck, 49.00 feet to a point;

Thence S. 26° 25′ 42" W. by land, now or formerly, of Edmund F. and Frances G. Meleski, 200.00 feet to a point;

Thence S. 55° 15′ 27" E. by said Meleski land, 200.00 feet to the point of beginning.

Containing 7.46 acres, more or less, shown as "Lot 2 and 3" upon a plan entitled "Plan of Lots in West Boylston, Prepared for Sterling Heights Builders, Inc.," prepared by Berry Engineering, Inc., dated February 6, 1984, and recorded with the Worcester District Registry of Deeds in Plan Book 516, as plan 28.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Lancaster Street - Route 110 and/or Campground Road which may be held by the supposed owner, as a result of its ownership of the above described property, and being the same premises described in two deeds from Sterling Heights Builders, Inc., to Robert H. Gallo, and to James E. Simpson both dated September 14, 1984, and recorded with Worcester District Registry of Deeds at Book 8363, Pages 53 and 67. The above described property is further identified as those same parcels reconveyed to Sterling Heights Builders, Inc. by said Gallo and Simpson in two deeds dated August 8, 1996, and recorded with said Deeds as instruments nos. 87458 and 87459.

The above described property is represented upon West Boylston Assessors Tax Map 114 as Parcels 3 and 8.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Sterling Heights Builders, Inc.	$150,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $150,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, August 16, recommending that the Commission adopt an Order of Taking for acquisition of approximately 4.879 acres of land owned by Sterling Heights Builders, Inc., located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $60,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 4.879 acres of land owned by Sterling Heights Builders, Inc., located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, August 22, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the north side of the northernmost curve of Pikes Hill Road, being the northernmost parcel of the Pikes Hill Subdivision, more particularly bounded and described as follows:

A parcel of land shown as "Outlot 26" upon a plan entitled "Plan Of Subdivision 'Pikes Hill' Sterling And Holden Owned By Sterling Heights Builders, Inc., Burpee Road, Sterling Mass.", dated 16 August 1979, revised 12 November 1979 and 12 March 1980, prepared by Berry Engineering, Inc., and recorded with Worcester District Registry of Deeds as Plan 48 in Plan Book 478.

"Outlot 26", as shown upon the fourth sheet in this five sheet set of recorded plans, is supposed to contain 4.879 acres, more or less.

The parcel as shown is bounded, beginning with its southernmost edge and moving in a clockwise direction, by the curve of Pikes Hill Road, by Lot 25, land, now or formerly, of Thomas A. & Patricia M. Schnare, by land, now or formerly, of the Town of Sterling, by land, now or formerly, of Sterling Heights Builders, Inc., by land, now or formerly, of James S. Harper III, and by Lot 27, land, now or formerly, of John C. & Christine J. Sanford.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Pikes Hill Road which may be held by the supposed owner, as a result of its ownership of the above described property, and being a portion of the same premises described in a deed from Harold J. Wronski, Edmund J. Wronski, Chester J. Wronski and Edwin E. Wronski to Sterling Heights Builders, Inc., dated June 2, 1977 and recorded with Worcester District Registry of Deeds in Book 6197, Page 167.

The above described property is represented upon Sterling Assessors Tax Map 53-D as Parcels 1, 2 and 3.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Sterling Heights Builders, Inc.	$ 60,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $60,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, August 16, recommending that the Commission adopt an Order of Taking for acquisition of approximately 8.25 acres of land owned by Sterling Heights Builders, Inc., located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $35,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 8.25 acres of land owned by Sterling Heights Builders, Inc., located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, August 22, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the northwesterly side of Fox Run Road, more particualarly bounded and described as follows:

Beginning at a point on the northwesterly layout line of Fox Run Road;

Thence S. 29° 50′ 26" W. 360.00 feet along said Fox Run Road to the southeasterly corner of land herein described;

Thence N. 40° 55′ 46" W. 1131.29 feet by land, now or formerly, of William W. & Joan M. McKenzie to the southwesterly corner of land herin described;

Thence N. 38° 32' 00" E. 317.36 feet by land, now or formerly, of Alice R., Henry F. and Anthony B. Listowich, to the northwesterly corner of land herein described;

Thence S. 42° 23' 22" E. 1066.79 feet by land, now or formerly, of David M. & Deirdre Duarte to the point of beginning.

Containing 8.25 acres, more or less, shown as "Lots 49 & 50" upon a plan entitled "Amended Plan of Subdivision 'Foxfire' Sterling Owned by Sterling Heights Builders, Inc." prepared by Berry Engineering, Inc. dated August 17, 1980, recorded with Worcester District Registry of Deeds, as Plan 15, Plan Book 481, sheets 2 & 3 of 5.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Fox Run Road which may be held by the supposed owner as a result of their ownership of the above described property, and being a portion of the premises described in a deed from Robert H. Gallo to Sterling Heights Builders, Inc., dated April 27, 1979, and recorded with Worcester District Registry of Deeds in Book 6719, Page 395.

The above described property is represented upon Sterling Assessors Tax Map 55Z as Parcels 49 and 50.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Sterling Heights Builders, Inc.	$35,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $35,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, August 16, recommending that the Commission adopt an Order of Taking for acquisition of approximately 4.31 acres of land owned by Sterling Heights Builders, Inc., located in the Town of West Boylston, Massachusetts, and to approve an award of damages in the amount of $221,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 4.31 acres of land owned by Sterling Heights Builders, Inc., located in the Town of West Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, August 22, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of West Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land, comprised of three contiguous parcels, lying on the northwesterly side of Lancaster Street - Route 110, more particularly bounded and described as follows:

Beginning at a point at the easterly corner of land herein being described, at a point on the northwesterly layout line of Lancaster Street - Route 110, at land formerly of Florence C. Mazzoleni, now or formerly of Bethlehem Baptist Church;

Thence N. 62° 31′ 46" W. by land formerly of Florence C. Mazzoleni, now or formerly of Bethlehem Baptist Church, 204.43 feet to a point;

Thence N. 52° 28′ 01" W. by said land now or formerly of Bethlehem Baptist Church, 145.57 feet to a point;

Thence N. 26° 31′ 48" E. by land, now or formerly of Louis A. Jr. and Patricia M. Pepi, 115.10 feet to a point;

Thence N. 26° 31′ 48" E. 182.00 feet, by land, now or formerly, of said Pepi, to a point at land, now or formerly, of James E. Simpson;

Thence N. 26° 31′ 48" E., by land, now or formerly of said Pepi, 182.90 feet to a point at land, formerly of Carmello P. & Linda Ann Isgrow, now or formerly, of Brian E. & Margaret M. Gaffney;

Thence S. 64° 40′ 09" E. 351.81 feet by land formerly of said Isgrow, now or formerly, of said Gaffney, to the point of beginning.

Thence southwesterly along said Lancaster Street by a curve to the left, with a radius of 1920.00 feet, and an arc distance of 20.00 feet to a point, said arc being subtended by a central angle of 0° 35′ 49" to a point of tangency;

Thence S. 16° 25′ 50" W. along Lancaster Street 140.00 feet to a point;

Thence southwesterly along said Lancaster Street by a curve to the left, with a radius of 690.00 feet, and an arc distance of 25.00 feet, said arc being subtended by a central angle of 2° 04′ 33" to a point of tangency;

Thence southwesterly along said Lancaster Street by a curve to the left, with a radius of 690.00 feet, and an arc distance of 182.51 feet, said arc being subtended by a central angle of 15° 09′ 19" to a point of tangency;

Thence southwesterly along Lancaster Street, by a curve with a radius of 690.00 feet, an arc distance of 159.20 feet, said arc being subtended by a central angle of 13° 13′ 11" to a point of tangency and the point of begining.

Containing 4.31 acres, more or less, and being shown as Lots 8, 9, and 10 upon a plan entitled "Plan of Lots in West Boylston, Prepared for Sterling Heights Builders, Inc." prepared by Berry Engineering, Inc., dated September 5, 1984, and recorded with the Worcester District Registry of Deeds in Plan Book 525, Plan 46.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Lancaster Street (Route 110) which may be held by the supposed owner as a result of their ownership of the above described property, being the premises described in two deeds from Sterling Heights Builders, Inc. to Robert H. Gallo and to James E. Simpson, both dated September 7, 1984, and recorded with Worcester District Registry of Deeds in Book 8393, Page 11, and in Book 8393, Page 13, and a deed conveying the remaining portion of tract 5 from Samuel J. and Frances H. Berry to Sterling Heights Builders, Inc., dated October 11, 1983, and recorded with said Deeds in Book 7954, Page 320. A portion of the above described property is further identified as those same parcels reconveyed to Sterling Heights Builders, Inc. by said Gallo and Simpson in two deeds dated and recorded August 8, 1996, with said Deeds as instruments nos. 87456 and 87457.

The above described property is represented upon West Boylston Assessors Tax Map 127 as Parcels 12, 13 and 14.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Sterling Heights Builders, Inc.	$ 221,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $221,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, August 16, recommending that the Commission adopt an Order of Taking for acquisition of approximately 6.33 acres of land owned by Sterling Heights Builders, Inc., located in the Town of West Boylston, Massachusetts, and to approve an award of damages in the amount of $354,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 6.33 acres of land owned by Sterling Heights Builders, Inc., located in the Town of West Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, August 22, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of West Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying easterly of Lancaster Street - Route 110, more particularly bounded as follows:

Beginning at an iron rod located on the easterly side of Lancaster Street - Route 110, on the northwesterly corner of land, now or formerly owned by Robert L. & Sybille H. Price;

Thence along said Lancaster Street- Route 110, norhteasterly by a curve to the right, with a radius 1860.00 feet, and an arc distance of 196.90 feet to an iron rod;

Thence continuing along said curve an arc distance of 70.00 feet to a point;

Thence N. 29° 28′ 50" E. 53.88 feet to the northeasterly corner of land, now or formerly, of William M. and Lillian B. Symonowicz;

Thence S. 50° 00′ 00" E. 306.77 feet along land of said Symonowicz to land, formerly of Sterling Heights Builders, Inc., now of Commonwealth of Massachusetts, MDC;

Thence N. 26° 26′ 11" E. 123.45 feet along land of said Symonowicz and the Commonwealth to land now or formerly of Sterling Heights Builders, Inc.;

Thence N. 49° 55′ 00" W. 300.19 feet along land of said Symoniwicz to a point on the easterly side of Lancaster Street - Route 110, on the northeasterly corner of land of said Symonowicz;

Thence along said Lancaster Street- Route 110, norhteasterly by a curve to the right, with a radius 528.41 feet, and an arc distance of 269.63 feet to a stone bound;

Thence N. 58° 43′ 00" E. 455.67 feet along the easterly side of Lancaster Street - Route 110, to a drill hole in a stone bound at the corner of land formerly of George L. Lamson, now of the Commonwealth of Massachusetts, MDC;

Thence S. 12° 01′ 02" W. 388.43 feet to a stone bound;

Thence S. 70° 07′ 26" E. 60.75 feet along land formerly of said Lamson, now of the Commonwealth;

Thence S. 58° 43′ 00 W. 227.37 feet along land formerly of Sterling Heights Builders, Inc. now of the Commonwealth, to a point;

Thence southwesterly by a curve to the left, with a radius of 198.41 feet, and an arc distance of 101.24 feet, along said land formerly of Sterling Heights Builders, Inc., now of the Commonwealth, to a point;

Thence S. 29° 28′ 50" W. 176.38 feet along said land formerly of Sterling Heights Builders, Inc., now of the Commonwealth, to a point;

Thence southwesterly by a curve to the left, with a radius of 1530.00 feet, and an arc distance of 377.38 feet, along said land formerly of Sterling Heights Builders, Inc., now of the Commonwealth, to a stone wall bounding land, now or formerly, of said Price;

Thence N. 45° 23′ 15" W. 57.74 feet along the stone wall bounding land, now or formerly, of said Price and a discontinued way, formerly known as Bruce Street to a point;

Thence N 26° 26′ 11" E. 69.39 feet to a point;

Thence N. 56° 03′ 48′ W. 298.67 feet along land, now or formerly, of said Price to the point of beginning.

Specifically excluding from the above property a parcel of land, bounded and described as follows:

Beginning at an iron rod located on the easterly side of Lancaster Street - Route 110, on the northwesterly corner of land, now or formerly owned by Robert L. & Sybille H. Price;

Thence along said Lancaster Street- Route 110, norhteasterly by a curve to the right, with a radius 1860.00 feet, and an arc distance of 30.00 feet to a point;

Thence S. 56° 03′ 48" E. 100.00 feet to a point;

Thence S. 28° 34′ 20" E. 63.52 feet to a point at land, now or formerly, of said Price;

Thence N. 56° 03′ 48" W. 150.00 feet along land of said Price to the point of begining.

The above exclusion comprises the southwesterly corner of the property described for taking herein and is the same premises conveyed by Sterling Heights Builders, Inc., to Robert L. and Sybille H. Price in an instrument recorded with Worcester District Registry of Deeds in Book 12242, Page 51 and shown as "Lot P" upon a plan entitiled "Compiled Plan of Land 330 Lancaster Street West Boylston, Mass. for Robert L & Sybille H. Price" prepared by Clyde R. Wheeler Inc., dated April 30, 1988 and recorded with said deeds as Plan 58 in Plan Book 623.

Containing 6.33 acres, more or less, shown as "Lots 1 -4, 6, and E excluding Lot P as described above" as shown upon a plan entitled "Plan of Land West Boylston Mass. Owned by Samuel J. & Frances H. Berry" prepared by Clyde R. Wheeler Inc., dated September 28, 1981 and recorded with Worcester District Registry of Deeds, as Plan 19 in Plan Book 495; and upon a plan entitiled "Plan of dLand West Boylston Mass. Surveyed for Sterling Heights Builders Inc." by Clyde R. Wheeler Inc., dated February 9, 1988 and recorded with said deeds as Plan 109 in Plan Book 608.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Lancaster Street and or the discontinued way formerly known as Bruce Street, which may be held by the supposed owner, as a result of their ownership of the above described property, and being a portion of the premises described in a deed from Samuel J. & Rrances H. Berry to Sterling Heights Builders, Inc., dated October 11, 1983 and recorded with Worcester District Registry of Deeds at Book 7954, Page 320.

The above described property is represented upon West Boylston Assessors Tax Map 114 as Parcels 33, 34, 35, 36, and 38; and West Boylston Assessors Tax Map 127 as a portion of Parcel 16.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owner of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNER	AWARD
Sterling Heights Builders, Inc.	$ 354,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $354,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

Action was taken upon the following Various Matters:

1. Report of Miss Overton and Mr. Traficante, August 15, recommending the following on Contract-Agreement with Health Resources Corp., for Employee Medical Evaluations -
(a) That work be accepted as completed as of June 30, 1996.
(b) That reserve, in the amount of $895.65, be approved for payment.
(Basis of Award - $33,300.00)
(Amount to Date - $27,042.80)
(Contract Performance Rating - 9.50 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Health Resources Corp. Consultant under Contract-Agreement for Employee Medical Evaluations, be and hereby is accepted as completed as of June 30, 1996.
The Commission further V O T E D: to approve release of reserve, in the amount of $895.65, for payment.

2. Report of Mrs. Sylvester, August 20, submitting for approval and execution annual Contract with the City of Boston, for the Maintenance and Operation of the James Michael Curley Recreational Facility, Day Boulevard, South Boston, for the period July 1, 1996 through June 30, 1997.
Cost - $286,232.00.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Contract, dated August 22, 1996, with the City of Boston, for the Maintenance and Operation of the James Michael Curley Recreational Facility, Day Boulevard, South Boston, for the period July 1, 1996 through June 30, 1997, which was signed by the Commissioner and four Associate Commissioners.

3. Report of Mr. Driscoll, August 14, requesting Commission approval for the placement of an engraved memorial boulder for Arthur Barnes, along the Charles River Pathway in Needham, in an area to be improved for the Commission by donations from the Davis Companies, Polaroid Corporation and the Barnes family.
Mr. Barnes was active in matters pertaining to the Charles River and general environmental advocacy.
The Commission V O T E D: to approve the placement of an engraved memorial boulder for Arthur Barnes, along the Charles River Pathway in Needham, in an area to be improved for the Commission by donations from the Davis Companies, Polaroid Corporation and the Barnes family, as requested by Mr. Driscoll in his report of August 14, 1996.
Associate Commissioner Wu did not participate in discussion nor vote on this matter.

Adjourned at 10:15 a.m., to meet on Thursday, August 29, 1996, at 9:00 a.m.

William F. Quelch
Secretary

Record of the Three Thousand Seven Hundred and Eighty Fourth (3784th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, September 5, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Settles and Wu.

The Records of the Commission Meeting held on August 15, 1996 were read and approved.

The Secretary submitted for signature the following paper which was signed by the Commissioner and four Associate Commissioners:

1. Contract No. P96-1855-C1A, dated September 5, 1996, with Allied Weatherproofing Co., Inc., for Installation of New Roofing - William P. Connery Memorial Rink, Lynn.

Action was taken upon the following matters relating to the Engineering an Construction Division:

2. Report of Messrs. Faucher and Mayhew and Miss Overton and Mrs. O'Brien, August 26, on bids for Upper Charles River Reservation Restoration - Phase I - Contract No. PL92-017-C1A.
(Messrs. Faucher and Mayhew and Miss Overton and Mrs. O'Brien recommend acceptance of the lowest corrected bid, that of D & C Construction Co., Inc., of $1,124,140.00).
The Commission V O T E D: to accept the lowest corrected bid, that of D & C Construction Co., Inc., of $1,124,140.00.

3. Report of Messrs. Faucher and Machado, August 23, recommending approval of an extension of time from September 9, 1996 to December 9, 1996, on Contract No. P95-1803-C1A, with J. Marchese and Sons, Inc., for Repairing/Replacing Bituminous and Cement Concrete Sidewalks and Curbing at Various Locations throughout the Metropolitan District, and further recommending approval of revisions in quantities as follows -

Item No. 010-010	**$ 9,000.00**
Granite Edgestone Removed and Reset	
Item No. 015-010	**$ 3,000.00**
Pavement Trimming	
Item No. 028-010	**$ 1,350.00**
Monthly Transportation Vehicle	
	Total - $13,350.00

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 024-010 - Grading, Liming, Fertilizing and Seeding and Item No. 027-010 - Traffic Control Services).
The Commission V O T E D: to approve an extension of time from September 9, 1996 to December 9, 1996, as recommended by Messrs. Faucher and Machado in their report of August 23, 1996, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.
The Commission further V O T E D: to approve revisions in quantities in the amount of $13,350.00.

1. Report of Messrs. Faucher and Higgott, August 26, on bids for Nahant Comfort Station Sewage System Modification - Nahant Beach Causeway, Contract No. P94-1753-C1A.
(Messrs. Faucher and Higgott recommend acceptance of the lowest bid received, that of T-Ford Company of $29,870.00).
The Commission V O T E D: to accept the lowest bid received, that of T-Ford Company of $29,870.00.

2. Report of Messrs. Faucher and Jackson, July 26, recommending the following on Contract No. P94-1661-C1A, with I. W. Harding, Construction Co., Inc., for Reconstruction of Father Francis A. Ryan Playground - that the Commission adopt a vote as follows:
Whereas: The Engineer hereby certifies to the Commission that the rate of progress of the work is unsatisfactory, that the work has been unnecessarily and unreasonably delayed, and that several items of work required under the contract have been abandoned, we hereby declare that I. W. Harding Construction Co., Inc. is in default having violated certain provisions of the contract; and therefore pursuant to the provisions of Article XX of the Special Conditions of the contract documents, hereby notify I. W. Harding Construction Co., Inc. to discontinue all work, or any part thereof, under the contract.
That the Commission adopt a further vote as follows:
Whereas: I. W. Harding Construction Co., Inc. failed to perform the work within the time provided for in the contract, I. W. Harding Construction Co., Inc. is hereby assessed Liquidated Damages in the amount of $90,000.00 per ARTICLE XXI "Damages to the Commission". This amount is based on the rate provided in the contract of $500.00 per day and covers the period from the contract completion date, December 29, 1994 through the date of substantial completion June 30, 1995. The contract provides for assessment of liquidated damages through the date of final acceptance, which has not yet occurred.
That the Commission adopt a further vote as follows:
Whereas: The Continental Insurance Company of Chicago, Illinois, executed a Performance Bond, as surety, on behalf of I. W. Harding Construction Co., Inc. as principal, agreeing to be held and firmly bound unto the Commonwealth of Massachusetts for the faithful performance by I. W. Harding Construction Co., Inc. of all the undertaking, covenants, agreements, terms, and conditions, of said contract on its part to be kept and performed; and
That the Commission adopt a further vote as follows:
Whereas: The Commission has declared I. W. Harding Construction Co., Inc. to be in default, having violated certain provisions of the contract; now therefore the Commission hereby notifies the surety of said default and requests The Continental Insurance Company of Chicago, Illinois to take such action as is necessary to complete said contract. Further that all work under this contract shall be completed within the sixty days of notification to the surety.
The Commission V O T E D: Held Over.

3. Report of Miss Overton and Messrs. Faucher and Jackson, August 12, on bids for Rehabilitation of Mothers Rest Pavilion and

Marine Park Bandstand, South Boston, Contract No. P95-1784-C1A. (Miss Overton and Messrs. Faucher and Jackson recommend acceptance of the second lowest bid received, that of A. W. Paine Construction Corporation, of $437,200.00). The low bidder, Bull Contracting Co., Inc., failed to supply the required DCPO Historical Building Restoration certificate. Therefore, its bid must be rejected. Miss Overton and Messrs. Faucher and Jackson further request that the Commission execute the Contract.
The Commission V O T E D: to accept second lowest bid received, that of A. W. Paine Construction Corporation, of $437,200.00.
The Commission further V O T E D: to reject the lowest bid received, that of Bull Contracting Co., Inc., for failure to supply the required DCPO Historical Building Restoration certificate.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Contract on behalf of the Commission.

1. Report of Mr. Faucher and Miss Peterson, August 23, recommending approval of the request of the Contractor for an extension of time from September 5, 1996 to November 22, 1996, on Contract No. P82-1054-C1A, with the Middlesex Corporation/Middlesex Paving/Middlesex Bituminous Products/Middlesex, Inc./Middlesex Materials Corporation, for Repair of Charles Circle Bridges #57A and 57B, Boston, due to delays caused by severe weather conditions this past winter.
(At no increase in Contract cost).
The Commission V O T E D: to approve an extension of time from September 5, 1996 to November 22, 1996, on Contract No. P82-1054-C1A, as recommended by Mr. Faucher and Miss Peterson in their report of August 23, 1996, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

2. Report of Miss Overton and Messrs. Faucher and Orfant, August 26, recommending ratification and approval of the action of Acting Director Faucher resulting in - Extra Work Order No. 1 - Removal and Relocation of a Storm Drain Catch Basin on Quincy Shore Drive - Cost $2,000.00. Extra Work Order No. 2 - Patch and Pave Islands in front of the Wollaston and Squantum Yacht Club Access Ramps - Cost not-to-exceed $1,000.00, on Contract No. P96-1826-C1A, with Ledgewood Construction Company, Inc., for Boston Harbor Beaches: Early Resanding Program.
(At no increase in Contract cost as the Extra Work will be offset by unused quantities in Item No. 01020-2 - Informational Materials).
The Commission V O T E D: to ratify and approve the action of Acting Director Faucher which resulted in Extra Work Order No. 1 and Extra Work Order No. 2, on Contract No. P96-1826-C1A, with Ledgewood Construction Company, Inc.
The Commission further V O T E D: to approve Extra Work Order No. 1, in the amount of $2,000.00.
The Commission further V O T E D: to approve Extra Work Order No. 2, in an amount not-to-exceed $1,000.00.
Associate Commissioner Elkort did not participate in discussion nor vote on this matter.

1. Report of Mr. Faucher and Miss Pfetsch, August 28, submitting for approval Project Summary, Project Justification, Work Schedule and requesting authorization to advertise Project No. P94-1749-C1A, for Captain's House Renovations, Blue Hills Reservation.
Estimated Cost - $200,000.00.
Estimated Time for Performance - 120 days.
Account No. 2440-4890.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P94-1749-C1A, for Captain's House Renovations, Blue Hills Reservation.

2. Report of Messrs. Faucher, Brooks and Abounaja, August 27, recommending approval of revisions in quantities on Contract No. P95-1792-C1B, with Environmental Restoration, Inc., for Lead Paint Removal at Various MDC Facilities, as follows -

Item No. 001-001	**$ 75,000.00**
Remove & Transport Lead Paint Waste from Interior and Exterior Walls	
Item No. 001-002	**$ 15,000.00**
Remove & Transport Lead Paint Waste from Ceiling	
Item No. 001-003	**$ 10,000.00**
Remove & Transport Lead Paint Waste from Siding and Trim	
Item No. 001-004	**$ 7,500.00**
Remove & Transport Lead Paint Waste from Masonry Walls	
Item No. 001-016	**$ 10,000.00**
Remove & Transport Exterior and Interior Panels	
Item No. 001-017	**$ 8,000.00**
Remove & Transport Lead Paint Waste from Column and Beams	
Item No. 003-002	**$ 21,000.00**
Crew Shift	
Item No. 001-020	**$ 9,000.00**
Transport & Properly Dispose of 55 Gallon Drum of Hazardous Lead Paint Waste	
	Total - $155,500.00

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item Nos. 001-005, 001-006, 001-007, 001-008, 001-009, 001-010, 001-011, 001-013, 001-015, 001-018, 002-001, 002-002, 002-003, 002-004, 002-006, 003-001, 004-003, 004-004 and 004-005).
The Commission V O T E D: Approved.

3. Report of Mr. Faucher and Miss Peterson, August 30, recommending approval of revisions in quantities on Contract No. P82-1054-C1A, with the with the Middlesex Corporation/Middlesex Paving/Middlesex Bituminous Products/Middlesex, Inc./Middlesex Materials Corporation, for Repair of Charles Circle Bridges #57A and 57B, Boston, as follows -

Item No. 033-010	**$ 3,000.00**
Bituminous Concrete Pavement Patch	

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Item No. 040-010 **$ 800.00**
Electric Pullbox
Item No. 044-010 **$ 600.00**
Demolish Existing Structure
Item No. 045-020 **$ 4,900.00**
Special Lighting Unit (Flashing Arrow)
Item No. 047-010 **$ 6,240.00**
Temporary Precast Concrete Barriers
for Traffic Control

Total - $15,540.00

(At no increase in Contract cost as the revisions will be offset by unused quantities in Item No. 016-020 - Substructure Spall Repair Greater than 6 " Deep).
The Commission V O T E D: Approved.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Messrs. McGinn and Lacy, August 16, submitting for approval Work Schedule Project Summary, Project Justification and requesting authorization to advertise Project No. WM96-078-X1A, for Rutland Master Plan and Zoning By-Law.
Maximum Obligation - $150,000.00.
Time for Performance - FY1997 - FY1998.
Account No. 2420-1400-HH-H-22.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. WM96-078-X1A, for Rutland Master Plan and Zoning By-Law.

2. Report of Mr. McGinn and Miss Austin, August 5, submitting for approval Work Schedule, Project Summary and Project Justification for Project No. WM97-029-X1A, for Laboratory Services for Giardia and Cryptosporidium Analyses.
Estimated Cost - $10,000.00.
Contract will run from the issuance of the Notice to Proceed to June 30, 1997.
Account No. 2420-1400-HH
The Commission V O T E D: Approved.

3. Report of Messrs. McGinn and Vignally, August 28, submitting for approval and execution Joint Funding Agreement with the Department of the Interior, Geologic Survey, for Stream and Groundwater Gauging.
MDC 50% share of cost is $37,970.00.
Time for Performance - October 1, 1996 through September 30, 1997.
Account No. 2420-1400 sub TT.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Joint Funding Agreement, dated September 5, 1996, with the Department of the Interior, Geologic Survey, which was signed by the Commissioner and four Associate Commissioners.

4. Report of Mr. McGinn and Miss Austin, August 5, requesting approval for Interdepartmental Service Agreement with the

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University of Massachusetts at Amherst for Development of Methods to Differentiate Microorganisms in MDC Reservoir Watersheds, Contract No. WM97-028-S1A.
Time for Performance - September 1996 through February 1998.
Total Obligation $90,036.00 - FY97 $44,451.00 - Account No. 2420-1400-HH Funding for FY98 contingent upon appropriation being made through the annual budgetary process.
The Commission V O T E D: Approved.

1. Report of Messrs. McGinn and Kane, August 8, on bids to Furnish and Install Emergency Electrical Generation and Associated Work at Quabbin Administration Complex, Belchertown, Contract No. WM94-008-C1A.
(Messrs. McGinn and Kane recommend acceptance of the lowest bid received, that of S. J. V. Electric, Inc., of $54,437.00).
The Commission V O T E D: to accept the lowest bid received, that of S. J. V. Electric, Inc., of $54,437.00.

2. Report of Messrs. McGinn and Kane, August 8, on bids for Improvements to the Electrical System, at the Division of Watershed Management, Field Administration Complex, West Boylston, Contract No. WM96-048-C1A.
(Messrs. McGinn and Kane recommend acceptance of the lowest bid received, that of United Electric Company of $18,400.00).
The Commission V O T E D: to accept the lowest bid received, that of United Electric Company of $18,400.00.

Action was taken upon the following matter relating to the Office of Planning:

3. Report of Mrs. O'Brien, August 9, submitting for approval and execution an Agreement regarding "Remediation and Revitalization of certain land located in Everett" dated August 12, 1996 and further authorize the Planning Office to work with Monsanto to complete the development of a passive park including all necessary permitting on land owned by the Commission off Mystic View Road in Everett.
The Commission V O T E D: Held Over.

Action was taken upon the following Various Matter:

2. Report of Miss Overton, August 29, requesting approval and execution of a Memorandum of Agreement with the Boston Harbor Association (BHA) for the Coordination of Publication and Printing of Back to the Beaches Brochures, and authorize payment of $4,000.00, to BHA for cost incurred on behalf of the Commission.
Account No. 2440-8992.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Memorandum of Agreement, dated September 5, 1996, with the Boston Harbor Association, which was signed by the Commissioner and four Associate Commissioners.
The Commission further V O T E D: to authorize payment of $4,000.00, to the Boston Harbor Association, for cost incurred on behalf of the Commission.

t 5,1996 Action was taken upon the following matters relating to the Office of Real Property:

1. Report of Mr. Gray, August 22, recommending that the Commission adopt an Order of Taking for acquisition of approximately 5.644 acres of land owned by Frances H. Berry, et al, located in the Town of West Boylston, Massachusetts, and to approve an award of damages in the amount of $200,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 5.644 acres of land owned by Frances H. Berry, et al, located in the Town of West Boylston, MA.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, September 5, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of West Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

Three certain contiguous parcels of land lying on the southeasterly side of Lancaster Street-Route 110, on a curve, more particularly bounded and described as follows:

<u>Parcel 1</u>

Beginning at an iron stake in the easterly line of the 1922 Worcester County Record Layout of Lancaster Street-Route 110, at the northeasterly corner of the parcel herein being described, said stake also marking the southwesterly corner of land described below as Parcel 2;

Thence S. 64° 21′ 34" E., 250,00 feet, by Parcel 2, to an iron rod at the southeasterly corner of Parcel 2, said rod also marking the southwesterly corner of Parcel 3, described below;

Thence S. 55° 04′ 17" E., 322.05 feet, by parcel 3, to an iron stake in a stone wall remnant at land of the Commonwealth of Massachusetts, Metropolitan District Commission;

Thence S. 51° 49′ 41" W., 300.00 feet, by land of the Commonwealth, MDC, to a stone bound at the southeasterly corner of the parcel being described, and land, now or formerly, of Joseph P. & Wendy L. Mazzoleni;

Thence N. 64° 40′ 14" W., 38.78 feet, to a drill hole;

Thence N. 62° 27′ 27" W., 102.07 feet, to an iron spike;

Thence N. 52° 59′ 06" W., 43.30 feet, to a drill hole;

Thence N. 51° 54′ 23" W., 209.14 feet, to a point;

Thence N. 48° 42′ 06" W., 92.48 feet, to a stone bound in the easterly line of Lancaster Street-Route 110, the last five courses being by land, now or formerly, of Mazzoleni;

Thence Northeasterly, by the easterly line of Lancaster Street-Route 110 and a curve to the left with a radius of 750.00 feet, an arc distance of 243.98 feet to the first mentioned iron stake, being the point and place of beginning.

Containing 3.428 acres, more or less, as shown as Lot 10 on a plan entitled "PLan Of Land, West Boylston, Mass. owned by Samuel J. and Francis H. Berry", dated September 28, 1981, prepared by Clyde R. Wheeler, Inc. and recorded with said Deeds as Plan 19 in Plan Book 495.

Parcel 2

Beginning at the same iron stake in the easterly line of Lancaster Street-Route 110 referenced above as the beginning and ending point in the description of Parcel 1, above;

Thence S. 64° 21′ 34" E., 250.00 feet, by Parcel 1, to an iron rod marking the southeasterly corner of this second parcel, and the southwesterly corner of the third parcel described below;

Thence N. 23° 59′ 04" E., 120.15 feet, by Parcel 3, to a point at land, now or formerly, of Robert L. & Sybille H. Price;

Thence N. 64° 21′ 34" W., 255.32 feet, by land, now or formerly, of Price, to a point in the easterly line of Lancaster Street-Route 110;

Thence Southwesterly, by the easterly line of Lancaster Street-Route 110 and a curve to the left with a radius of 750.00 feet, an arc distance of 120.55 feet to the iron stake first mentioned being the point and place of beginning.

Containing 30,150 square feet, or 0.69215 acres, more or less, as shown as Lot 9 upon the same recorded survey plan referenced above at the conclusion of the description of Parcel 1.

Parcel 3

Beginning at an iron rod at the southwesterly corner of this third parcel, being the same iron rod referenced above in both the descriptions of the first two parcels, as the ending point of the first courses in those descriptions;

Thence S. 55° 04′ 17" E., 322.05 feet, by Parcel 1, to an iron stake in a stone wall remnant at land of the Commonwealth of Massachusetts, Metropolitan District Commission;

Thence N. 51° 49′ 41" E., 235.87 feet, by Land of the Commonwealth, MDC, to a stone bound with drill hole at a point in the southwesterly line of a discontinued way formerly known as Bruce Street;

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Thence N. 45° 23' 15" W., 50.40 feet, by the line of the discontinued street, to a point at land, now or formerly of the aforesaid Price;

Thence N. 72° 47' 18" W., 381.85 feet, by land, now or formerly, of Price, to a point at the northeasterly corner of Parcel 2, as described above;

Thence S. 23° 59' 04" W., 120.15 feet, by Parcel 2, to the iron stake, being the point and place of beginning.

Containing 1.52 acres, more or less, and shown as part of Lot 11A (Parcel 1 described above being the other part) on a plan entitled "Plan Of Land, West Boylston, Mass. Owned by Samuel J. and Francis H. Berry", dated September 26, 1983, prepared by Clyde R. Wheeler, Inc. and recorded with said Deeds as Plan 42 in Plan Book 512.

The total area intended to be taken herein, comprising the entire area of all three described parcels, based upon information shown upon the cited recorded survey plans, is calculated to be 5.64415 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Lancaster Street-Route 110 and/or the former Bruce Street which may be held by the supposed owners, as a result of their ownership of the above described property, and being the same premises described in two consecutive deeds, the first from Susan F. Berry to Francis H. Berry, and the second from Susan F. Berry to Francis F. Berry and Susan F. Berry, both dated September 22, 1987, and recorded respectively with Worcester District Registry of Deeds at Book 10810, Pages 80 and 82.

The above described property is represented upon West Boylston Assessors Tax Map 127 as Parcels 19, 20 and 21.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Francis F. Berry and Susan F. Berry	$ 200,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $200,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, August 22, recommending that the Commission adopt an Order of Taking for acquisition of approximately 1.767 acres of land owned by Hebert's Candies, Inc., and/or Home of the Hebert's Candies, Inc., located in the Town of Sterling, Massachusetts, and to approve an award of damages in the amount of $145,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 1.767 acres of land owned by Hebert's Candies, Inc., and/or Home of the Hebert's Candies, Inc., located in the Town of Sterling, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, September 5, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Sterling in the County of Worcester and Commonwealth of Massachusetts, namely:

Two certain adjoining parcels of land lying on the easterly shore of "Cook's Pond" so-called, on the southwesterly side of Route 12, northwesterly of the intersection with Boutelle Road, and southeasterly of the intersection with Bean Road, more particularly bounded and described as follows:

Parcel 1

Beginning at the southwesternmost point of the parcel being described herein, at a stone bound found on the shore line of "Cooks Pond", at the northeasterly corner of land, now or formerly, of Worcester Road Realty Trust, Joseph B. Slezik, Trustee, shown as "Lot 2" on the recorded survey plan referenced at the conclusion of the description of Parcel 1 below, the said bound is further identified as being located

N. 52° 39′ 49" E. 285.17 feet from the point of intersection of a stone wall, marking the northwesterly line of land, now or formerly, of Adam C. Slezik, (Lot 1 on the plan cited below) and the northeasterly line of the 1912 State Highway Layout of Boutelle Road;

Thence Northeasterly, northerly and northwesterly, by the shore of the pond, 505 feet, more or less, to a point, at the southeasterly corner of land, now or formerly, of one Blakeny, formerly of George A. Lussier, shown as Lot 5 upon the recorded survey plan cited at the conclusion of the description of Parcel 2/Lot 8 below;

Thence N. 22° 31′ 15" E., 142.00 feet, partially by Lot 5, land, now or formerly, of Blakeny, and partially by Lot 4, land, now or formerly, of one Temple, formerly of Michael Blanchflower, to a point at the southwesterly corner of Lot 8, other land, now or formerly, of Home of Hebert Candies, Inc., described as Parcel 2, below;

Thence N. 67° 32′ 47" E., 195.15 feet, by Lot 8/ Parcel 2, to a point in the westerly line of the 1933 State Highway Layout of Route 12-Worcester Road;

Thence S. 22° 31′ 15" E., by the State Highway Layout, 175.20 feet, to a Massachusetts Highway bound found;

Thence On the same bearing and by the highway, 355.61 feet to a point at the northeasterly corner of Lot 7A, as shown upon the plan cited below, being land supposed to have been recently conveyed to Worcester Road Realty Trust by Home of Hebert Candies, Inc.;

Thence S. 67° 20′ 07" W., 76.34 feet, by Lot 7A, to the first mentioned stone bound on the shore line of "Cooks Pond", being the point and place of beginning.

Containing 50,631 square feet, or 1.162 acres, and shown as Lot 7B upon a plan entitled " Plan Of Land Located In Sterling, Massachusetts Owned Now Or Formerly By Hebert's Candy, Inc. A.K.A. Home Of The Hebert Candies, Inc.", dated June 12, 1996, prepared by Finlay Engineering Services, and recorded with Worcester District Registry of Deeds as Plan 123 in Plan Book 704.

Parcel 2

Beginning at a point at the southwesterly corner of the parcel being described herein, said point being at the northwesterly corner of Lot 7B as described above (a portion of Lot 7 as shown upon the plan cited below), and the concluding point of the second course recited above;

Thence N. 22° 30′ 00" E. 140.00 feet, partially by Lot 4, land formerly of Blanchflower, now or formerly, of Temple, and partially by Lot 3, land, now or formerly, of Home Of Hebert Candies, Inc., to a point at Lot 9, other land, now or formerly, of Home Of Hebert Candies, Inc., and the corner common to Lots 2, 3, 8, and 9 as shown upon the plan cited below;

Thence N. 70° 30′ 02" E., 195.42 feet, by Lot 9, to a point in the westerly layout line of Route 12-Worcester Road;

Thence S. 22° 30′ 00" E., 130.00 feet by the westerly line of Route 12-Worcester Road, to a point marking the southeasterly corner of Parcel 2/Lot 8, the parcel herein being described, and the northeasterly corner of Lot 7, (or Lot 7B as modified by the plan cited above);

Thence S. 67° 34′ 02" W., 195.15 feet, by the northerly line of Lot 7 (or 7B, as modified) to the first mentioned point, being the point and place of beginning.

Containing 26,346 square feet, or 0.605 acres, and shown as Lot 8 upon a plan entitled "Plan Of Land In Sterling, MA. Surveyed For Hebert's Candies, Inc.", dated March 12, 1992, prepared by Donald A. Para R.L.S. New Braintree MA., and recorded with Worcester District Registry of Deeds as Plan 19, in Plan Book 657.

The total area of the two adjoining parcels, as described above and taken herein, is calculated to be 76,977 square feet, more or less, or 1.767 acres.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Route 12-Worcester Road which may be held by the supposed owner as a result of its ownership of the above described property, and being a portion of the same premises described in a deed from J. Hubert Strang, Jr., Dorothy E. Strang and Donald E. Strang to Hebert's Candies, Inc. dated June 15, 1955 and recorded with Worcester District Registry of Deeds at Book 3688, Page 37. See also Certificate of Merger between Hebert Candy Distributors, Inc. and Home of The Hebert Candies, Inc., both Massachusetts corporations, recorded with said Deeds at Book 5322, Page 557.

The above described property is represented upon Sterling Assessors Tax Map 23-F as Lot 8, and most of Lot 7.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land. and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sums:

OWNER	AWARD
Hebert's Candies, Inc., and/or Home of The Hebert's Candies, Inc.	$ 145,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $145,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, August 22, recommending that the Commission adopt an Order of Taking for acquisition of approximately 2.05 acres of land owned by John C. Stark, Jr., et ux, located in the Town of Holden, Massachusetts, and to approve an award of damages in the amount of $43,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 2.05 acres of land owned by John C. Stark, Jr., et ux, located in the Town of Holden, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, September 5, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of Holden in the County of Worcester and Commonwealth of Massachusetts, namely:

A certain parcel of land lying on the northwesterly side of Malden Street and the southwesterly side of Bullard Street, shown as Parcel "A" upon a survey plan cited at the conclusion of this description, more particularly bounded and described as follows:

Beginning at a drill hole found in a corner of walls at the northeasterly corner of the parcel herein being described, at land, now or formerly, of Randolph & Ann L. Lundquist, said drill hole being in the southwesterly line of Bullard Street;

Thence S. 44° 54′ 40" E., 175.17 feet, partially by the stone wall, and along a wire fence, but entirely by the line of Bullard Street, to a point;

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Thence 34° 37′ 30" E., 107.27 feet, still by the line of Bullard Street, to a point at the northeasterly corner of land, now or formerly, of J.J. Sr. & Louise V. Troy;

Thence S. 48° 53′ 00" W., 277.84 feet, by said land, now or formerly, of Troy and by land, now or formerly, of Joseph P. Sr. & Kathleen Curran, along and by the wire fence, to a point at a corner;

Thence S. 29° 49′ 30" W., 154.97 feet, by land, now or formerly, of Curran and by the wire fence, to a point in the northwesterly line of Malden Street;

Thence S. 60° 10′ 30" W., 36.01 feet, by the line of Malden Street, to a point;

Thence S. 63° 09′ 20" W., 23.34 feet, by the line of Malden Street, to an iron pipe set at the southeasterly corner of Parcel "B", other land, now or formerly, of Stark, as shown upon the plan referenced below;

Thence N. 21° 08′ 18" W., 137.58 feet, by Parcel "B" and a fence, to an iron pipe set at the base of a fence post at an angle in the fence;

Thence N. 25° 48′ 16" W., 165.20 feet, by Parcel "B", crossing a pond to another iron pipe set at the base of a fence post at another angle in the fence;

Thence N. 37° 59′ 06" W., 133.77 feet, by Parcel "B" and the fence, to a drill hole found in the stone wall at land, now or formerly, of Lundquist;

Thence N. 49° 14′ 30" E., 268.72 feet, by the stone wall and land, now or formerly, of Lundquist, to the drill hole first mentioned, being the point and place of beginning.

Containing 89,317.77 square feet, or 2.0505 acres, shown as Parcel "A" upon a plan entitled "Land In Holden, Massachusetts Owned By: John C. Sr. & Harriet S. Stark To Be Conveyed To: The Metropolitan District Commission", dated May 31, 1996, and prepared by Bouley Brothers Inc., which plan shall be recorded with Worcester District Registry of Deeds and made a part of this order at a later date.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Bullard Street and/or Malden Street which may be held by the supposed owners, as a result of their ownership of the above described property, and being the remaining portion of the southeasterly end of the same premises described in a deed from Harriet S. Stark to John C. Stark, Jr. and Harriet S. Stark, husband and wife, dated March 9, 1988 and recorded with Worcester District Registry of Deeds at Book 11183, Page 37.

The above described property is represented upon Holden Assessors Tax Map 134 as a portion of Parcel 17.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
John C. Stark, Jr. and Harriet S. Stark	$ 43,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $43,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

1. Report of Mr. Gray, August 22, recommending that the Commission adopt an Order of Taking for acquisition of approximately 5.348 acres of land owned by Paul B. Lenkarski, et ux, located in the Town of West Boylston, Massachusetts, and to approve an award of damages in the amount of $200,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A. Account No. 2420-8936.
The Commission V O T E D: to adopt an Order of Taking for acquisition of approximately 5.348 acres of land owned by Paul B. Lenkarski, et ux, located in the Town of West Boylston, Massachusetts.

ORDER OF TAKING
COMMONWEALTH OF MASSACHUSETTS
METROPOLITAN DISTRICT COMMISSION

Boston, September 5, 1996.

ORDERED: That the Metropolitan District Commission by virtue of the power and authority conferred upon it by Chapter 564 of the Acts of 1987, Chapter 36 of the Acts of 1992, and Section 117 of Chapter 92 of the General Laws, and acts in amendment thereof or in addition thereto and every other power and authority hereto enabling, for the purposes of said acts and provisions, does hereby order the taking of and does hereby take in fee for watershed preservation, protection and operation purposes, under the provisions of Chapter 79 of the General Laws, in the name and behalf of the Commonwealth of Massachusetts, the following described land situated in the Town of West Boylston in the County of Worcester and Commonwealth of Massachusetts, namely:

Three certain contiguous parcels of land lying easterly of Sterling Place, and northerly of Lancaster Street-Route 110, on the cul-de-sac forming the northerly end of Lancaster Lane, or Heritage Lane, the sole means of access and egress for the Lancaster Commons Subdivision, more particularly identified as follows:

Parcels 22, 23 and a portion of Parcel 24, as depicted upon a plan entitled "Definitive Plan Of Subdivision Lancaster Commons West Boylston Prepared For Lancaster Commons, Inc., dated 25 January 1995 and revised 20 February 1995, which plan was prepared by Berry Engineering, Inc. and recorded with Worcester District Registry of Deeds as Plan 87 in Plan Book 670.

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That portion of Parcel 24 herein taken is depicted as Parcel 24A upon a plan entitled "Plan Of Land In West Boylston Prepared For Paul Lenkarski", dated 21 May, 1996, prepared by Berry Engineering, Inc., and recorded with said Deeds as Plan 64 in Plan Book 705.

Parcel 22, as depicted, is supposed to contain 69,053 square feet, or 1.585 acres.

Parcel 23, as depicted, is supposed to contain 40,457 square feet, or 0.929 acres.

Parcel 24A, as depicted, is supposed to contain 2.834 acres.

The total area of the three contiguous lots herein taken is calculated to be 5.348 acres, more or less.

Meaning and intending to take hereby the above premises, howsoever the same may be bounded and described, and including any and all fee interest in Lancaster Lane, or Heritage Lane, as the street may be known, which may be held by the supposed owners, as a result of their ownership of the above described property, and being portions of the same premises described in two deeds, the first from William DePatsy et als to Paul B. Lenkarski and Susan A. Lenkarski, dated July 1, 1988 and recorded with Worcester District Registry of Deeds at Book 11816, Page 312, and the second deed from Angelina Giumetti et als to Paul B. Lenkarski and Susan A. Lenkarski, dated March 18, 1986 and recorded with Worcester District Registry of Deeds at Book 9295, Page 167.

The above described property is represented upon West Boylston Assessors Tax Map 125 as most of Parcel 107, and a portion of the northwesterly corner of Parcel 131-79.

AND IN LIKE MANNER, for the same purposes and by virtue of the same powers, the said Metropolitan District Commission does hereby order the taking of and does hereby take in the name and for the benefit of the Commonwealth of Massachusetts, for the purposes of said acts and provisions, all trees on said land and structures affixed to said land, with the exception of the poles, wires, cables, conduits, pipes and their appurtenances, for the conveyance of water, sewage, steam, gas and electricity, and for the transmission of telephone and telegraph communications and data or signals by electrical or electronic or electromagnetic means of any kind, now lawfully in or upon said land, and excluding all easements of record on, over, under, across and through said land.

The Commission awards damages sustained by the supposed owners of the land hereinabove mentioned by reason of said taking, in the following sum:

OWNERS	AWARD
Paul B. Lenkarski and Susan A. Lenkarski	$ 200,000.00

The Commission further V O T E D: to approve an award of damages in the amount of $200,000.00, together with such damages and costs as required under General Laws, Chapter 79, Sections 6, 12, 39 and 44A.

Adjourned at 9:50 a.m., to meet on Thursday, September 12, 1996, at 9:00 a.m.

William A. Rinaldi
Secretary

Record of the Three Thousand Seven Hundred and Eighty Fifth (3785th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, September 19, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort, Settles and Wu.

The Records of the Commission Meeting held on August 22, 1996 were read and approved.

Action was taken upon the following matters relating to the Engineering an Construction Division:

1. Report of Messrs. Faucher and Jackson, July 26, recommending the following on Contract No. P94-1661-C1A, with I. W. Harding, Construction Co., Inc., for Reconstruction of Father Francis A. Ryan Playground - that the Commission adopt a vote as follows:
Whereas: The Engineer hereby certifies to the Commission that the rate of progress of the work is unsatisfactory, that the work has been unnecessarily and unreasonably delayed, and that several items of work required under the contract have been abandoned, we hereby declare that I. W. Harding Construction Co., Inc. is in default having violated certain provisions of the contract; and therefore pursuant to the provisions of Article XX of the Special Conditions of the contract documents, hereby notify I. W. Harding Construction Co., Inc. to discontinue all work, or any part thereof, under the contract.
That the Commission adopt a further vote as follows:
Whereas: I. W. Harding Construction Co., Inc. failed to perform the work within the time provided for in the contract, I. W. Harding Construction Co., Inc. is hereby assessed Liquidated Damages in the amount of $90,000.00 per ARTICLE XXI "Damages to the Commission". This amount is based on the rate provided in the contract of $500.00 per day and covers the period from the contract completion date, December 29, 1994 through the date of substantial completion June 30, 1995. The contract provides for assessment of liquidated damages through the date of final acceptance, which has not yet occurred.
That the Commission adopt a further vote as follows:
Whereas: The Continental Insurance Company of Chicago, Illinois, executed a Performance Bond, as surety, on behalf of I. W. Harding Construction Co., Inc. as principal, agreeing to be held and firmly bound unto the Commonwealth of Massachusetts for the faithful performance by I. W. Harding Construction Co., Inc. of all the undertaking, covenants, agreements, terms, and conditions, of said contract on its part to be kept and performed; and That the Commission adopt a further vote as follows:
Whereas: The Commission has declared I. W. Harding Construction Co., Inc. to be in default, having violated certain provisions of the contract; now therefore the Commission hereby notifies the surety of said default and requests The Continental Insurance Company of Chicago, Illinois to take such action as is necessary to complete said contract. Further that all work under this contract shall be completed within the sixty days of notification to the surety.
The Commission V O T E D: Held Over.

1. Report of Messrs. Faucher, Brooks and Martinez, September 3, submitting for approval Work Schedule, Project Summary, Project Justification and requesting authorization to advertise Project No.P97-1872-C1A, for Snow Guard Installation and Related Work at the LoConte Memorial Rink, Medford.
Estimated Cost - $52,000.00.
Time for Performance - eight weeks.
Account No. 2440-0110.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No.P97-1872-C1A, for Snow Guard Installation and Related Work at the LoConte Memorial Rink, Medford.

2. Report of Messrs. Faucher and Arinella, September 4, on bids for Service to Hydraulic Power Systems at Various Flood Control/ Navigation Sites, Contract No. P96-1843-M1B.
(Messrs. Faucher and Arinella recommend acceptance of the lowest bid received, that of The Entwistle Company, of $29,000.00).
The Commission V O T E D: to accept the lowest bid received, that of The Entwistle Company, of $29,000.00.

3. Report of Messrs. Faucher and Soroka, September 9, recommending approval of a revision in quantities on Item No. 015-021, Traffic Signal Cable 21 Conductor, at a cost of $1,440.00, on Contract No. P96-1838-M1A, with Coviello Electric and General Contracting Co., Inc., for Servicing Traffic Signal Systems and Control Systems - Charles River Basin Districts.
(At no increase in Contract cost as the revision will be offset by unused quantities in Item No. 006-020 - Vehicle Signal Head - Single Section 12 inch lens).
The Commission V O T E D: Approved.

4. Report of Messrs. Faucher and Brooks, September 11, on bids for Replacement of Existing Microprocessors on Refrigeration Units, at (4) Four Rinks - Charlestown, Newton, Hyde Park and Quincy, Contract No. P96-1867-X1A.
(Messrs. Faucher and Brooks recommend acceptance of the lowest bid received, that of Harris Environmental Systems, of $76,928.00).
The Commission V O T E D: to accept the lowest bid received, that of Harris Environmental Systems, of $76,928.00.

5. Report of Messrs. Faucher, Brooks and Mayhew, September 9, recommending approval of Alteration No. 1, a Credit to the Commission, in the amount of $200.00 - for non-use of a cordless telephone - on Contract No. P96-1865-C1A, with Jay-Mor Enterprises, for Demolition of Garage and Bathhouse, Revere.
The Commission V O T E D: to approve Alteration No. 1, a Credit to the Commission, in the amount of $200.00, on Contract No. P96-1865-C1A, as recommended by Messrs. Faucher, Brooks and Mayhew in their report of September 9, 1996.

Action was taken upon the following matters relating to the Watershed Management Division:

1. Report of Mr. McGinn and Miss Carr, August 26, recommending the following on Contract No. WM95-082-S1A, with Nashua River Watershed Association, for Wachusett Task Force Technical Assistance -
(a) That work be accepted as completed as of June 30, 1996.
(b) That Invoice No. 003, in the amount of $11,471.34, be approved for payment.
(Basis of Award - $25,000.00)
(Final Cost - $25,000.00)
(Contract Performance Rating - 9.00 with 10.00 being excellent)
(EEO Compliance - N/A)
The Commission V O T E D: that the work of Nashua River Watershed Association, Contractor under Contract No. WM95-082-S1A, be and hereby is completed as of June 30, 1996.
The Commission further V O T E D: to approve Invoice No. 003, in the amount of $11,471.34, for payment.

2. Report of Mr. McGinn, September 5, requesting approval to engage the services of the following nine rain gauge observers, for FY97, FY98 and FY99, at Quabbin and Wachusett Watershed Areas -

Quabbin Section	**Wachusett Section**
Arthur R. Coolidge	David Rota
Doris E. Cornwell	Dennis S. Moore
Glen M. Dickson	John F. Flanagan, Jr.
John Guzik	Kathryn R. Murdock
	Worcester Horticultural County Citizens

FY97 - $2,025.00 - $225.00 per observer - 3 payments @ $75.00.
FY98 - $2,160.00 - $240.00 per observer - 3 payments @ $80.00.
FY99 - $2,160.00 - $240.00 per observer - 3 payments @ $80.00.
Total - $6,345.00.
Account No. 2420-1400-HH-H25.
The Commission V O T E D: Approved.

3. Report of Messrs. McGinn and Kane, September 13, on bids for Spillway Improvements and Embankment Repairs to Sudbury Reservoir Dam, Southborough, Contract No. WM93-060-C1A.
(Messrs. McGinn and Kane recommend acceptance of the lowest bid received, that of Wes Construction Corp., of $839,250.00, with inclusion of the six alternates, the total award is $1,067,250.00).
The Commission V O T E D: to accept the lowest bid received, that of Wes Construction Corp., of $1,067,250.00.

4. Report of Messrs. McGinn and Robert O'Connor, September 16, recommending that the Commission amend its vote of July 22, 1996, awarding Contract No. WM97-080-S1A, to National Wildlife Federation, for Smart Wood Program by approving a substitution of New England Small Farm Institute for the project. All other terms and conditions as approved at the July 22, 1996 Commission Meeting will remain in force.
Cost - $32,000.00.
Time for Performance - September 23, 1996 to June 30, 1997.
Account No. 2420-1400.

Messrs McGinn and O'Connor further request that Commissioner Balfour be authorized to execute the Contract on behalf of the Commission.
The Commission V O T E D: to amend its vote of July 22, 1996, awarding Contract No. WM97-080-S1A, to National Wildlife Federation, for Smart Wood Program by approving a substitution of New England Small Farm Institute for the project. All other terms and conditions as approved at the July 22, 1996 Commission Meeting will remain in force.
The Commission further V O T E D: to authorize Commissioner Balfour to execute the Contract on behalf of the Commission.

Action was taken upon the following matter relating to the Office of Planning:

1. Report of Mrs. O'Brien, August 9, submitting for approval and execution an Agreement regarding "Remediation and Revitalization of certain land located in Everett" dated August 12, 1996 and further authorize the Planning Office to work with Monsanto to complete the development of a passive park including all necessary permitting on land owned by the Commission off Mystic View Road in Everett.
The Commission V O T E D: Held Over.

Action was taken upon the following Various Matters:

2. Report of Miss Overton, August 26, requesting approval of a Special Use One Year Pilot Program Permit for Simmons College to use MDC light poles 58-59-60-61-62-63 and 64, located in the vicinity of 300 The Fenway, in Boston, for the purpose of installation of Simmons College banners which will identify the College and its special events.
The Commission V O T E D: Approved as requested by Miss Overton in her report of August 26, 1996.

3. Report of Mr. Doak, September 11, recommending renewal of Ice Skating Rink concessions for the 1996-1997 season.
The Commission V O T E D: to approved the renewal of Ice Skating Rink concessions for the 1996-1997 season as follows:

LOCATION	CONCESSIONAIRE	PERMIT FEE
Anthony A. LoConte Rink Veterans Memorial Pkwy. Medford	Medford Youth Hockey	$1.00 per season - plus $100.00 per month for utilities.
Paul W. Cronin Arena Revere Beach Parkway Revere	Revere Youth Hockey	$1.00 per season - plus $100.00 per month for utilities.
Francis L. Murphy Rink William J. Day Blvd. South Boston	South Boston Youth Hockey	$1.00 per season - plus $100.00 per month for utilities.
Allied Veterans Recreation Center Elm Street Everett	Everett Youth Hockey	$1.00 per season - plus $100.00 per month for utilities.

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LOCATION	CONCESSIONAIRE	PERMIT FEE
Alexander S. Bajko Rink Turtle Pond Parkway Hyde Park	Hyde Park Youth Hockey	$1.00 per season - plus $100.00 per month for utilities.
Robert M. Devine Rink Morrissey Boulevard Dorchester	Dorchester Youth Hockey	$1.00 per season - plus $100.00 per month for utilities.
Emmons-Horrigan-O'Neil Rink Rutherford Avenue Charlestown	Charlestown Youth Hockey	$1.00 per season - plus $100.00 per month for utilities.
Rev. Romano Simoni Rink Gore Street Cambridge	Cambridge Youth Hockey	$1.00 per season - plus $100.00 per month for utilities.
Max Ulin Rink Unquity Road Milton	Milton Youth Hockey	$1.00 per season - plus $100.00 per month for utilities.
Walter D. Bryan Rink VFW Parkway West Roxbury	Parkway Youth Hockey	$1.00 per season - plus $100.00 per month for utilities.
Reilly Memorial Rink Cleveland Circle Brighton	All-Bright Youth Hockey	$1.00 per season - plus $100.00 per month for utilities.
Connery Memorial Rink Shepard Street Lynn	Lynn Youth Hockey	$1.00 per season - plus $100.00 per month for utilities.
Flynn Memorial Rink Woodland Road Medford	Tri City Youth Hockey	$1.00 per season - plus $100.00 per month for utilities.
Porrazzo Memorial Rink Constitution Beach East Boston	East Boston Youth Hockey	$1.00 per season - plus $100.00 per month for utilities.
Connell Memorial Rink Broad Street Weymouth	Weymouth Youth Hockey	$1.00 per season - plus $100.00 per month for utilities.
Veterans Memorial Rink Somerville Avenue Somerville	Somerville Youth Hockey	$1.00 per season - plus $100.00 per month for utilities.
Waltham Memorial Rink Totten Pond Road Waltham	Waltham Youth Hockey	$1.00 per season - plus $100.00 per month for utilities.

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LOCATION	CONCESSIONAIRE	PERMIT FEE
William T. Shea Rink Willard Street Quincy	M.G.L. Services, Inc.	$1,700.00 per season - all inclusive.

1. Report of Miss Overton, September 17, recommending approval of and authorization for Commissioner Balfour to execute on behalf of the Commission, an Administrative Consent Order with the Department of Environmental Protection regarding the remediation of the Indian Line Farm Superfund Site, located at 2391 Washington Street, Canton.
The Commission V O T E D: Approval.
The Commission further V O T E D: authorization for Commissioner Balfour to execute on behalf of the Commission, the Administrative Consent Order with the Department of Environmental Protection regarding the remediation of the Indian Line Farm Superfund Site, located at 2391 Washington Street, Canton.
Associate Commissioner Elkort did not participate in discussion nor vote on this matter.

Adjourned at 10:00 a.m., to meet on Thursday, September 26, 1996 at 9:00 a.m.

William F. Bushnell
Secretary

Record of the Three Thousand Seven Hundred and Eighty Sixth (3786th) meeting of the Metropolitan District Commission duly called and held at 20 Somerest Street, Boston, Massachusetts, on Thursday, September 26, 1996 at 9:00 a.m.

Present, Commissioner Balfour and Associate Commissioners Carr, Elkort and Settles.

The Records of the Commission Meeting held on September 5, 1996 were read and approved.

Action was taken upon the following matters relating to the Engineering an Construction Division:

1. Report of Messrs. Faucher and Jackson, July 26, recommending the following on Contract No. P94-1661-C1A, with I. W. Harding, Construction Co., Inc., for Reconstruction of Father Francis A. Ryan Playground - that the Commission adopt a vote as follows:
Whereas: The Engineer hereby certifies to the Commission that the rate of progress of the work is unsatisfactory, that the work has been unnecessarily and unreasonably delayed, and that several items of work required under the contract have been abandoned, we hereby declare that I. W. Harding Construction Co., Inc. is in default having violated certain provisions of the contract; and therefore pursuant to the provisions of Article XX of the Special Conditions of the contract documents, hereby notify I. W. Harding Construction Co., Inc. to discontinue all work, or any part thereof, under the contract.
That the Commission adopt a further vote as follows:
Whereas: I. W. Harding Construction Co., Inc. failed to perform the work within the time provided for in the contract, I. W. Harding Construction Co., Inc. is hereby assessed Liquidated Damages in the amount of $90,000.00 per ARTICLE XXI "Damages to the Commission". This amount is based on the rate provided in the contract of $500.00 per day and covers the period from the contract completion date, December 29, 1994 through the date of substantial completion June 30, 1995. The contract provides for assessment of liquidated damages through the date of final acceptance, which has not yet occurred.
That the Commission adopt a further vote as follows:
Whereas: The Continental Insurance Company of Chicago, Illinois, executed a Performance Bond, as surety, on behalf of I. W. Harding Construction Co., Inc. as principal, agreeing to be held and firmly bound unto the Commonwealth of Massachusetts for the faithful performance by I. W. Harding Construction Co., Inc. of all the undertaking, covenants, agreements, terms, and conditions, of said contract on its part to be kept and performed; and
That the Commission adopt a further vote as follows:
Whereas: The Commission has declared I. W. Harding Construction Co., Inc. to be in default, having violated certain provisions of the contract; now therefore the Commission hereby notifies the surety of said default and requests The Continental Insurance Company of Chicago, Illinois to take such action as is necessary to complete said contract. Further that all work under this contract shall be completed within the sixty days of notification to the surety.
The Commission V O T E D: Delete from Agenda.

1. Report of Miss Overton and Messrs. Faucher, Brooks and Abounaja, September 11, recommending approval of Extra Work Order No. 1, for replacing damaged windows with Harvey Industries Vinyl Replacement windows at MDC Brainard Street Office in Hyde Park, at a cost of $10,215.96, on Contract No. P95-1792-C1B, with Environmental Restoration, Inc., for Lead Paint Removal at Various MDC Facilities.
Account No. 2441-9952.
The Commission V O T E D: to approve Extra Work Order No. 1, in the amount of $10,215.96.

2. Report of Messrs. Faucher, Brooks and Haider, September 12, submitting for approval Project Summary, Project Justification, Work Schedule and requesting authorization to advertise Project No. P97-1873-C1A, for Replacement of Heating Boiler, Domestic H.W. at Cronin Rink, Revere, and Domestic H.W. at Devine Rink, Dorchester.
Estimated Cost - Heat and Domestic H.W. - $ 70,000.00, at Cronin Rink, Revere.
- Domestic H.W. - $ 30,000.00, at Devine Rink, Dorchester.
Total Estimated Cost = $100,000.00
Estimated Time for Performance - eight weeks.
Account No. 2440-0110.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise Project No. P97-1873-C1A, for Replacement of Heating Boiler, Domestic H.W. at Cronin Rink, Revere, and Domestic H.W. at Devine Rink, Dorchester.

3. Report of Messrs. Faucher and Lespasio, September 19, recommending approval of the request of the Contractor for an extension of time from September 30, 1996 to November 30, 1996, on Contract No. P95-1802-C1A, with D & R General Contracting, Inc., for Walkway Improvements Along the MDC Harbor Beaches from Winthrop to Quincy, due to the need to replace badly deteriorated sidewalks on Winthrop Shore Drive and Winthrop Parkway.
(At no increase in Contract cost).
The Commission V O T E D: to approve an extension of time from September 30, 1996 to November 30, 1996, as recommended by Messrs. Faucher and Lespasio in their report of September 19, to be effective, however, only upon receipt of the written consent of the bonding company, and on condition that no further request will be made for additional compensation.

4. Report of Messrs. Faucher, Brooks and Martinez, September 6, recommending approval of the action of Acting Director Faucher resulting in Extra Work Order No. 1, for repairing the well sewer, reinforcing the hull steel plate, replacing the shaft logs and patching the port skeg, at a cost of $11,060.00, on Contract No. RE95-02-X1A, with D. N. Kelly and Son, Inc., Shipyard, for Repairs and Repowering of 56-foot LCM.
Funding from Account No. 2440-8956.
The Commission V O T E D: to approve the action of Acting Director Faucher which resulted in Extra Work Order No. 1, on

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Contract No. RE95-02-X1A, with D. N. Kelly and Son, Inc.
The Commission further V O T E D: to approve Extra Work Order No. 1, in the amount of $11,060.00.

1. Report of Miss Overton and Messrs. Faucher and Jackson, September 20, requesting approval and execution of Amendment No. 1, at a cost of $87,481.00, for increased scope of services to relocate road and parking lot, on Contract No. P95-1783-D1A, with Brown and Rowe, Inc., for Rehabilitation of Constitution Beach, East Boston. Funding from Account No. 2490-0017.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment No. 1, dated September 26, 1996, to Contract No. P95-1783-D1A, with Brown and Rowe, Inc., which was signed by the Commissioner and three Associate Commissioners.

2. Report of Messrs. Faucher and Machado, September 19, on bids for Resurfacing MDC Parkways at Various Locations Throughout the Metropolitan District, Contract No. P96-1863-C1A.
(Messrs. Faucher and Machado recommend acceptance of the lowest bid received, that of D & R General Contracting, Inc./MDR Construction Co., Inc., in the amount of $1,443,755.00).
The Commission V O T E D: to accept the lowest bid received, that of D & R General Contracting, Inc./MDR Construction Co., Inc., in the amount of $1,443,755.00.

3. Report of Miss Overton and Mr. Jewett, September 17, requesting approval and execution of Amendment No. 1, which calls for an increase in scope of services, at a cost not-to-exceed $18,716.00, and an extension of time from October 15, 1996 to January 31, 1997, on Contract No. P96-1824-S1A, with Furgo East, Inc., for Development of a Resource Management Plan for the Lands Owned and Managed Within the Fowl Meadow/Ponkapoag Area of Critical Environmental Concern.
Funding from Account No. 2410-7872.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Amendment No. 1, dated September 26, 1996, to Contract No. P96-1824-S1A, with Furgo East, Inc., which was signed by the Commissioner and two Associate Commissioners.
Associate Commissioner Elkort did not vote on this matter nor sign the Amendment.

4. Report of Messrs. Faucher and Higgott, September 10, submitting for approval and execution Joint Funding Agreement with the United States Geological Survey, for Gaging Stations within Charles River and Mystic River Watersheds, Contract Number P88-1530-M5A, for the period October 1, 1996 to September 30, 1997, and payment for -
MDC Share - Fed FY96 - $ 6,875.00 - July 1, 1996 - Sept. 30, 1996
MDC Share - Fed FY97 - $21,300.00 - Oct. 1, 1996 - June 30, 1997
Total - $28,175.00.
Funding -
FY97 - 2440-0010-TT.
FY98 - Contingent on appropriation.

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The Commission V O T E D: Approved.
The Secretary then submitted for signature Joint Funding Agreement, Contract No. P88-1530-M5A, dated September 26, 1996, with the United States Geological Survey, which was signed by the Commissioner and three Associate Commissioners.

Action was taken upon the following matter relating to the Office of Planning:

1. Report of Mrs. O'Brien, August 9, submitting for approval and execution an Agreement regarding "Remediation and Revitalization of certain land located in Everett" dated August 12, 1996 and further authorize the Planning Office to work with Monsanto to complete the development of a passive park including all necessary permitting on land owned by the Commission off Mystic View Road in Everett.
The Commission V O T E D: Approved.
The Secretary then submitted for signature Agreement regarding "Remediation and Revitalization of certain land located in Everett" dated August 12, 1996, with Monsanto, which was signed by the Commissioner and three Associate Commissioners.
The Commission further V O T E D: to authorize the Planning Office to work with Monsanto to complete the development of a passive park including all necessary permitting on land owned by the Commission off Mystic View Road in Everett, as requested by Mrs. O'Brien in her report of August 9, 1996.

Action was taken upon the following Various Matter:

2. Report of Miss Overton and Mr. Jewett, September 25, requesting approval and authorization to advertise for proposals for an Environmental Study of the Alternative Pumping Schemes for Dewatering the Granite Rail Quarry, Quincy.
Time for Performance of Services - one year.
Cost not-to-exceed $100,000.00.
Funding from Account No. 2496-8968.
The Commission V O T E D: Approved.
The Commission further V O T E D: authorization to advertise for proposals for an Environmental Study of the Alternative Pumping Schemes for Dewatering the Granite Rail Quarry, Quincy.

Adjourned at 9:45 a.m., to meet on Thursday, October 3, 1996, at 9:00 a.m.

William J. Crowley
Secretary

A J BOOKBINDER

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WALTHAM, MA 02154
(781) 893-3051